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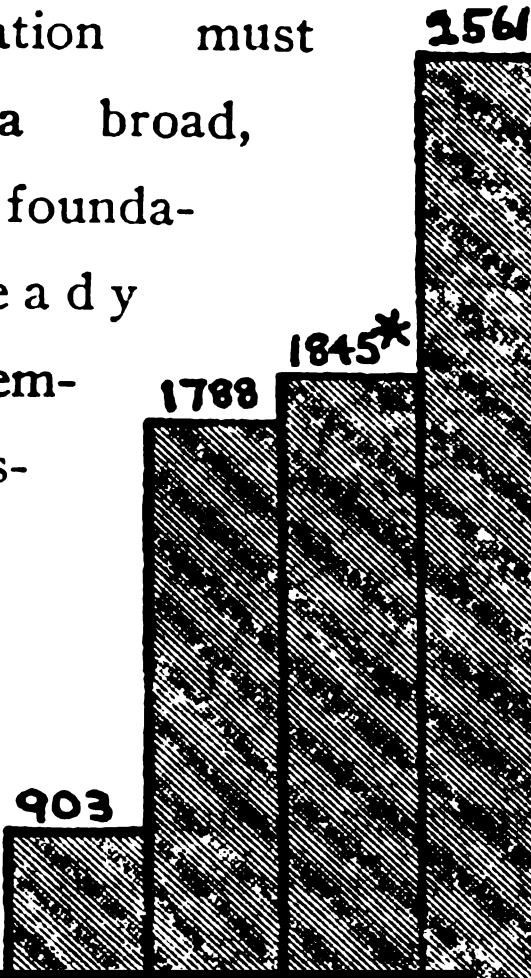
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3348 Growth of Membership, 1906-1913.

An organization for the purpose of securing progressive labor legislation must rest upon a broad, democratic foundation. Steady growth in membership is essential to the success of our work.



The American Labor Legislation Review

John Bertram Andrews,
American Association for Labor Legislation

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Vol. IV

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**SEVENTH ANNUAL
MEETING**

Sickness Insurance

Working Hours in Continuous
Industries

Administration and Industrial
Relations

MARCH, 1914

PROCEEDINGS SEVENTH ANNUAL MEETING
WASHINGTON, D. C., DECEMBER 30-31, 1913

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AMERICAN LABOR LEGISLATION REVIEW
Vol. IV, No. 1

AMERICAN LABOR LEGISLATION REVIEW

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MARCH, 1914

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INTRODUCTORY NOTE.

This, the initial issue of the fourth year of the REVIEW, presents in full the proceedings of the Seventh Annual Meeting of the American Association for Labor Legislation, held at Washington, December 30-31, 1913.

As at the meeting in 1912, the crucial question of labor law enforcement and administration was placed at the forefront of the discussion. No one can read the able address of Chairman Frank P. Walsh of the Federal Industrial Relations Commission without the conviction that the country is awaking to its industrial problems, nor the address of Chairman Crownhart of the Wisconsin Industrial Commission without realizing that at least one method of solving those problems has entered upon an era of promising development. In the absorbing discussion which closed this opening session further light was thrown upon the subject by practical workers and economists of national standing.

Professor Willoughby's timely contribution on The Philosophy of Labor Legislation, with its eloquent plea for the curbing of unworthier types of liberty as an essential to the creation of true liberty, will be read with interest. The growing popular sentiment in favor of state and national sickness insurance gives added point to the thoughtful suggestions in this direction made by such close students of the subject as Joseph P. Chamberlain, W. L. Chandler and James M. Lynch, who presented respectively the views of the legal profession, the manufacturers, and the trade unionists, while insurance actuaries and other experts added much in the way of valuable data and criticism.

More than usual interest was aroused by the session on working hours in continuous industries, for which

William C. Redfield, Secretary of Commerce, as presiding officer set the key-note in his declaration that "tired men are partly poisoned men" and therefore less efficient and a source of expense in industry. The movement towards a hygienic working day cannot fail to gather strength from the remarkable array of evidence in its favor presented by the subsequent speakers and by the many who participated in the informal discussion.

Much important information on the work of the Association and its committees, and on general developments in the field of labor legislation, will be found in the proceedings of the annual business meeting. The re-election to the presidency of Professor Henry R. Seager of Columbia University brings again to the post of highest responsibility an untiring worker for the advancement of progressive labor legislation, while early members will be glad to learn of the election as honorary president of Professor Henry W. Farnam, our first executive and this year Roosevelt professor at Berlin.

Acknowledgement is given to Dr. Lee K. Frankel for permission to reproduce the charts used to illustrate his remarks on sickness insurance. To Professor Charles Richmond Henderson a word of appreciation is due for his scholarly translation of the international documents on social insurance, labor legislation and unemployment, published at the end of this REVIEW.

JOHN B. ANDREWS, Secretary,
American Association for Labor Legislation.

I

ADMINISTRATION AND INDUSTRIAL RELATIONS

*Presiding Officer: WILLIAM F. WILLOUGHBY
President, American Association for Labor Legislation
PRINCETON, N. J.*

THE FEDERAL INDUSTRIAL RELATIONS COMMISSION

FRANK P. WALSH

Chairman, Federal Industrial Relations Commission.

About two years ago the country was shocked, as it had been many times though perhaps not so deeply before, at the phenomenon presented on the Pacific coast, when, in the middle of one of the most dramatic criminal trials ever held in this country, the defendants arose and announced that they wished the trial to go no further, that they were guilty of a series of acts which struck horror to the heart of the civilized world. Closely following the confession, came the usual period of hysteria. Upon one side was made the charge that thus could be seen the foundation of the labor movement in violence and a disregard for law; on the other side, men who had acted as heroes, as many believed, in the cause of industrial freedom, declared that the affair was but an excrescence upon the body of labor; and another great portion of the people, sullen, almost menacing, declared that it was but a move in a social revolution which was bound to come before justice would be established among men.

Almost contemporaneous with the Los Angeles disclosures was the trouble in the textile industry, during which charges were made that the law, the very foundation of the safety of society, had been used in an unfair manner, to oppress those who were striving for industrial freedom. Out of this contrariety of thought, out of the smoke of the battle of that stressful time, came the movement for the Federal Industrial Relations Commission.

To find the purpose of the commission I do not go to the creating law, for there I have only the stilted language of the statute. For the heart of the law I go to the discussion had before the Committee on Labor of the House of Representatives when certain patriotic men called upon their government to go into this matter in a business-like manner, without bias and without prejudice, and to determine the cause, if that were possible, of industrial unrest, of the irrita-

tion that seemed to be dividing houses, that seemed to be dividing men who should be brothers, that seemed to be dividing a state which we were proud to call for over a century the exemplar of human liberty among the nations of the earth. In the discussion before that committee we find that, stripped of all side issues, it was the thought of the people of the United States, speaking through their Congress, that this commission should endeavor independently of either house of Congress, independent, aye, of the executive of the nation, to go to the very heart of the causes of this irritation, and then make recommendations to the Congress of the United States for those measures which they believed might ameliorate the conditions that we all deplore so greatly.

There was some delay in the organization of the commission. It passed through the closing days of the last administration without formation, and only at this hour have we succeeded in getting down to the real work of adopting a program to perform the labors which we know the nation must expect of us. Of the commission's three-year term of life under the original statute, one year and a half has already expired. We have an appropriation for the first year of \$100,000, with a report from the Congress committee suggesting that the entire work should have an appropriation of \$500,000. But so vast is the work before us that we might stay in session for the balance of our natural lives, and we might spend millions of the government's funds, without covering the entire field. Therefore, the problem before the commission to-day is, How much of this field may we cover, how much of a critical investigation shall we make of those causes of irritation that seem patent to us and, while fundamental, are yet close upon the surface?

Throughout our investigation I believe that we must have our minds focussed on the question, What makes for industrial unrest? As the question has been put by one of the fathers, if not the father, of the commission, Why the strikes? Why the boycotts? Why the lockouts? Why the violence? Why the charge of injustice on the part of the worker and sometimes upon the part of the employer? I believe that it is the function of the commission to approach this question, not as a commission of constitutionalists, not as a commission of lawyers, not as a commission of would-be statesmen, but as a commission of human beings, to get at the facts, and to suggest the remedy, constitutional, legal, or otherwise.

If our investigations reveal a condition that causes industrial unrest, that causes industrial waste—which of course affects us all and calls forth industrial unrest, it will be the function of this commission to declare the facts and its conclusions thereupon. If answer is made, "These ills of which you speak grow out of inherent defects in the present economic system," we ought to reply, "So much the worse for the present economic system." If it is pointed out, as it has been in many instances, that the remedial legislation suggested by our inquiry is unconstitutional or that it would bring about a conflict between the laws of the nation and of the state, and that therefore it cannot be worked out, we should say, "So much the worse for a society which has laws and is bound by a constitution that forbid the things that make for social justice." Therefore, I say that we should approach our problem—and as far as I am concerned we will approach it—as human beings, stating what the facts are, stating what we believe the remedies ought to be. Theoretically, at least, we are all-powerful. Through our voices, or the voices of a portion of us, comes the law, and any situation which results in social injustice will be taken care of, I hope, by a new common law code, based upon social considerations, and if that code runs contrary to the constitution of the United States or of any of the states, then with the machinery at hand we will amend or abolish that part of the constitution of the United States or of the state.

Fundamental to all progress, I believe, is the principle of cooperation. Was ever anything truer in the industrial world than that the injury of one is the concern of all? The workman who loses his leg is not only stricken personally but brings woe upon his family and ultimately affects all society. He is injured. The family's standard is endangered. The work that his employer was trying to do is retarded. Finally, he must be cared for, by individuals, by the industry, or by the state. The woman working at a machine which requires her to bring down her foot so hard and so often that her health is destroyed, becomes in a similar way a burden upon society. If a man's wages are held below sufficiency, he becomes dependent. The most startling thing we read in the statistics furnished by the Department of Labor is the immense number of men in this country, probably a majority, who are working below that minimum wage necessary to provide for a small family. Such a

condition strikes at the very life of the state itself. Furthermore, due to unemployment, inadequate employment, or only seasonal employment, we hear of a great migratory body of workers said to be going through the country to the number of five or six million people.

These are some of the causes of industrial waste and unrest which are already being splendidly grappled with by many who have appeared before our commission, and which have been urged upon the commission for consideration. The commission is as yet in its formative stage; we have not yet adopted a program; but enough has been done for me to say that for the solution of our problems we intend to use the sympathy and intelligence of all forward organizations. We will attempt to correlate all that has been done along the lines of improved conditions in the industrial field. We purpose to take an impartial view, as far as such a thing is possible to the human mind, of every question, so that when we answer those questions to the country we may have a foundation of fact to which all women and men may repair. With the cooperation of the enlightened citizenship of the country, we indulge the hope that we will assist in a forward step in the present splendid onward march of humanity toward a free city, a wise state, and a just nation.

LABOR LAW ENFORCEMENT THROUGH ADMINISTRATIVE ORDERS

C. H. CROWNHART

Chairman, Wisconsin Industrial Commission.

Labor laws are enacted under the police power of government. The police power is the inherent, sovereign power of every state to regulate the conduct of men and the use of property for the common good. Whenever the public welfare demands legislative action to regulate labor conditions in the interest of the public, the police power inherent in government is sufficient to justify such action. The only requirements are that the legislative rule must concern the public welfare and must be reasonably appropriate to remedy the existing evils. To determine the necessity for action and the appropriateness of the remedy is primarily a legislative function. Courts may not disturb or set aside such laws except where the laws are found, beyond reasonable doubt, to exceed all reasonable necessity for such action.

UNITED STATES SUPREME COURT DECISIONS

It may seem trite to repeat the expressions of the supreme court of the United States on the subject of the police power and the authority of the legislative body. But so many state courts view every effective exercise of the police power by the legislature as a cardinal sin, especially in cases where there is no appeal, that it may not be out of place to call attention again and again to these fundamental principles so forcefully and eloquently expressed:

"Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and when necessary for the public good, the manner in which each shall use his own property." (Munn, 94 U. S.)

"The police power may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality, or strong and preponderant opinion to be greatly and immediately necessary to the public welfare." (Bank Guarantee Case, 219 U. S.)

"While the cardinal principles are immutable, the methods by which justice

is administered are subject to constant fluctuation. The constitution of the United States, which was necessarily to a large extent inflexible and difficult of amendment should not be so construed as to deprive the states of the power to amend their laws as to make them conform to the wishes of the citizens as they may deem best for the public welfare without bringing them in conflict with the supreme law of the land". (Holden Case, 169 U. S.)

The constitutions are made "for an undefined and expanding future, and for a people gathered and to be gathered from many nations and of every tongue."

INCIDENTAL POWERS

The power to legislate on any given subject carries with it the power to make legislation effective by any means that are appropriate to that end. Let a labor law be a valid exercise of legislative power, and the legislature may enact appropriate means and methods for enforcing such law. Such action is by no means a delegation of legislative power, but merely the means of expression of the legislative will. This principle has for so long been acted upon, and such extensive powers of administration have been granted and exercised under a multitude of circumstances, that now it would seem well settled. As illustrating the exercise of administrative powers, we have the health boards promulgating rules of quarantine; banking and insurance departments exercising large and comprehensive discretionary powers; railroad rate commissions determining and establishing reasonable rates; customs departments making rules and regulations as to collection of revenues, and labor departments making and enforcing rules of safety. These administrative methods have long been upheld by the courts.

THE REASONS FOR ADMINISTRATIVE RULES

The reasons for administrative rules and methods were long ago plainly stated in *McCullough v. Maryland*, and nothing more need be said. The legislature cannot cover all the multitude of details of administration. It is impossible to express in any general law all the facts and circumstances to which the law applies. Laws as enacted by the legislature must really be broad and comprehensive and include only general rules of action.

DELEGATION OF LEGISLATIVE POWER

In placing administrative powers with a commission or board, care should be exercised not to delegate to such body legislative

power, which by the terms of the constitution is reserved to the legislature. The legislature must lay down the public policy; it must enact the law, that is, the rule of conduct. But having comprehensively covered the subject by an explicit statement of public policy, having clearly expressed the legislative intent in general terms, it may leave the application of the rule to facts subsequently to be found by the administrative board or commission. This was established in the Field case, which is the law on the subject to-day. Given, then, the right under the police power to enact labor legislation, the legislature may lay down the rule of action broadly and comprehensively. To illustrate, the legislature may provide that all places of employment shall be safe for the employees therein, including their comfort, health and moral wellbeing; that women and children shall not be allowed to work such long hours, nor at such times, nor under such conditions, nor in such places as will endanger their life, health, comfort or moral wellbeing; that no building dedicated in whole or in part to a public use, shall be constructed in such a manner as to endanger the life, health or comfort of employees or the public resorting thereto; and that women and minors shall not be allowed to work at a wage insufficient to maintain such women or minors in decency and comfort.

Now, having enacted these broad rules of public policy as to certain conditions affecting labor and the public, the legislature may create an administrative board with powers of investigation, to determine the facts by order or by rule, which determination shall be, in the first instance, at least, *prima facie* evidence of the facts, and after a reasonable period of limitation, conclusive evidence of the facts. Again to illustrate, the administrative board may, first, determine as a fact what conditions of employment are safe and what are not safe; second, how many hours women or minors may work, and under what conditions, with safety to their health and comfort; third, when and under what conditions public buildings are safe or unsafe; fourth, what wage will maintain the workers in decency and comfort under the special circumstances of employment. When the board has made and declared its findings of fact, the legislative rule becomes immediately applicable to the facts as found.

This method is just the reverse of court procedure. The facts as to particular matters are determined in advance. It is not necessary

to wait until a man is killed to determine the fact as to whether the employment is safe, as the courts are obliged to do, repeating the process with each death. It is unnecessary to wait until the child or woman is ruined in health, morals or intellect before the fact of the safety of the place of employment is determined. We need not wait for the building to fall down upon the public before it shall be declared unsafe and its use prohibited.

JURISDICTION OF COURTS

The jurisdiction of the courts must not be overlooked. Courts are as jealous of their jurisdiction as the lover of his sweetheart, and in the last analysis, what the courts say goes, right or wrong, unless, as was done in New York recently, the people retire the judge and amend *his* constitution at the same time. Legislation should be shaped to meet every possible reasonable objection on the ground of infringing the "due process of law" provision. The determinations of the board should be subject to court review, not necessarily as to findings of fact but as to whether the order follows the fact and is within the powers conferred on the commission by the legislature. This review should not be had in case of violation of an order but only in a direct action to set aside the determination or order of the board. It may be provided in the law that when the determination of the board is made and the order declared, unless court review is asked for within a certain reasonable time the determination and order shall be conclusive. Other things may be added to the law to suit different conditions, but these essential principles should not be overlooked in framing legislation of this kind.

IS THE METHOD DESIRABLE?

Following these principles, the Wisconsin legislature of 1905 enacted the rule as to railroad rates that "all such rates should be reasonable." What is a reasonable rate is a question of fact. The legislature created the railroad commission to determine the fact in the first instance and to establish that fact by order. This act has been sustained in the courts.

Following this, in 1911 the legislature applied the same principle to labor legislation. It had been found impracticable, if not impossible, for the legislature to keep abreast of the times in safety

legislation. The elements of safety in industry are so many and so complex that details could not be expressed in the law without vital omissions and often without bad mistakes of inclusion. Safety in industry was found to be an expert's problem quite as much as fixing rates of public utilities. So the legislature laid down the simple rule that all places of employment must be safe, and "safe" was defined to mean "such freedom from danger to the life, health or safety of employees or frequenters as the nature of the employment will reasonably permit." Then the legislature created the means appropriate for enforcing the rule. It created an industrial commission, with the duty of determining the facts as to safety and promulgating such facts by order. The order is really the declaration of the legislative rule as applied to the particular fact found. In the exercise of its duties the commission is given full powers of investigation. Provisions for the employment of factory inspectors and experts were made, and funds were supplied for a safety exhibit. A statistical department was created and all accidents are required to be reported to the commission on forms provided by it. The order of the commission is made *prima facie* valid. Such orders can be set aside only by direct action against the commission, and in such actions the attorney general of the state defends the commission. The action to set aside the order must be commenced within thirty days after its publication, otherwise the order is conclusive. Failure on the part of an employer to comply with an order is punishable, and in a prosecution on such failure the only question to be determined is "Has the order been complied with?" The order cannot be attacked in such proceeding. Thus the usual difficulties of prosecution and in obtaining convictions are obviated.

Before entering an order the commission should be required to make investigation and findings of fact, and the order should be based upon the facts found. The legislature may make the findings of the commission conclusive as to the fact or *prima facie* evidence of the fact, to be set aside only in a direct proceeding for that purpose. The power of full investigation and full initiatory investigation is necessary to the success of the work of the board. It is this distinctive feature that gives the commission its greatest measure of usefulness.

EDUCATION

The Wisconsin commission has the authority to publish bulletins for the information of all concerned. In this way it is able to bring home, to those affected by its orders, knowledge of the orders and of the duty of the employer and employee under them. The orders are direct, simple and easily understood. Good laws are based on justice and reason. When people understand the justice and reason of laws it is not hard to secure enforcement. It is the principle of the common law that everybody is supposed to know the law, but this rule is a very palpable fiction in fact. Few people know the laws, especially those classed as *mala prohibita*. People must be educated as to the law itself, and as to the reason of the law as well. The reason for the general legislative rule is apparent. All places of employment should be safe. But for the orders dealing with particular factors of safety there is room for divergence of opinion. In issuing the bulletins containing the orders, methods of carrying out the orders are explained and are often illustrated. The commission does not require any safeguard which cannot be proven to be practical, nor does it require any which the commission cannot show how to install.

DEMOCRACY OF THE COMMISSION

A commission should not be bureaucratic or autocratic. On the contrary, it should be, and may be, very democratic. No pride of position should keep it away from industry itself. It should see the wheels go 'round; it should see the man at work; it should know the life of industry as it is; it should call to its aid the men who do things, and who are affected by its orders. Its information should be first hand. Then its orders need not be speculative or theoretical but practical and to the point.

METHODS OF THE WISCONSIN COMMISSION

The Wisconsin commission has representatives of employers' associations, workmen's associations, insurance companies, and experts from the department, selected as a committee on safety to draft tentative orders. The members of the committee are clean-cut, practical men of affairs. They approach the subject earnestly and devote much time and attention to it. Specialists are called in from time to time to deal with particular subjects. The tentative

orders are drafted, printed, submitted to all employers and others interested, and criticisms are invited. A hearing is granted where any interested party may make objections. The tentative orders are then revised and adopted by the commission. Additions and alterations are made from time to time as necessity requires. We now have twenty general orders common to all industries; five general orders applicable to woodworking establishments; five as to safety in laundries; three as to sanitation in laundries; fifty-three as to safety of elevators; eighteen as to ventilation and exhaust systems; six as to shop lighting; and twenty as to toilet rooms and general sanitation. Orders are in course of preparation covering the subjects of a building code, outside construction work, electrical construction, and boiler manufacture, installation and operation.

As has been noted, all of these orders have the force and effect of law. Framed in simple language and published in bulletin form, they are furnished to every employer of labor in quantities sufficient so that all foremen and superintendents may have copies.

RESULTS

The result of this plan of enforcement of safety orders has been excellent. No prosecutions have been necessary in a period of two years. Extensions of time to comply with the orders have been granted by the commission as the occasion required. Employers and employees have actively cooperated with the commission to secure safety, and the standard of safety in Wisconsin is now higher than it has ever been in the history of the state, and yet the employees are but obeying and carrying out the details of law which they have been largely instrumental in creating and making. They obey the law because it is *their* law and because they appreciate and understand the reason and justice of its provisions. With us the workmen's compensation act is an added incentive for a high standard of safety. The act is administered by the industrial commission. Not only does the employer have to pay compensation when his employee is accidentally injured, but if the injury results from failure to conform to the commission's orders, 15 per cent is added to the injured workman's compensation as a penalty. Likewise employees are required to obey the commission's orders on pain of 15 per cent reduction of compensation if injury results from their failure. We note that a campaign for safety goes hand in hand with compensation, and that it is through compensation that

employers realize more than ever before that it is better to safeguard life and limb than to pay for loss of life and limb.

LABOR LEGISLATION

There are many phases of labor legislation all correlated and properly subject to the same jurisdiction for effective administration. Some of these may be enumerated:

Safety, including freedom from accidental physical injury, freedom from industrial disease, ventilation to preserve health, light to preserve sight, and exhausts to remove dangerous dusts, fumes and gases.

Compensation for loss of wage, and medical attendance because of accidental injury or industrial disease.

Limitations as to hours of labor for women and children, and in some cases as to men.

Limitations as to employments of women and children.

Apprenticeship contracts for minors to prepare for the skilled trades.

Employment offices to aid in the proper distribution of labor.

Living wage for those unable to safeguard themselves in bargaining.

Arbitration and *mediation* to prevent strikes and lockouts and promote industrial peace.

Investigation to promote industrial welfare by education.

Statistics, compiling and analyzing facts in order that proper deductions may be drawn.

Publications, to disseminate knowledge of industrial conditions for the benefit of those directly concerned and of the public as well.

In all of these functions the power to issue rules and orders is of prime importance to the securing of administrative efficiency.

ORGANIZATION OF BOARD

To get the benefit of combined judgment, three members will suffice, and to get prompt action and direct responsibility probably three members are better than a larger number. Continuity is best secured by long terms, the members being classified to go out of office at different times.

RECALL

Provisions as to recall by the people or by the legislature, or removal by the governor, may be included in the law in order to

make the board responsive to the will of the people. The board should be made an agency of the people to do directly for them those things which they cannot well do individually.

OPPORTUNITY OF INDUSTRIAL BOARD

There is a great opportunity for industrial boards to render real service to the people in ascertaining and declaring the facts. It is more facts and less precedent that are needed. We should look after the man before the gun as well as the man behind the gun. We need foresight as well as hind sight—prevention more than remedies.

A distinguished statesman of our day has said:

“The judiciary alone, of all our institutions of government, has enjoyed for many years almost complete freedom from hostile criticism. Until very recently, this branch of our government stood above the legislative and executive departments in popular esteem. Unresponsive, and irresponsible to the public, the courts dwelt in almost sacred isolation.

“Within the last two or three years the public has begun to turn critical eye upon the work of the judges. The people in their struggle to destroy special privileges and to open the way for human rights through truly representative government, found barrier after barrier placed across the way of progress by the courts. Gradually the judiciary began to loom up as the one formidable obstacle which must be overcome before anything substantial could be accomplished to free the public from the exactions of oppressive monopolies and from the domination of property interests. A new problem entered into the movement toward democracy—the problem of removing the dead hand of precedent from the judiciary and infusing into it the spirit of the times. So the people, in their need, dropped the unquestioning veneration which custom had fostered as a shield for the judges, and began to examine into the tendencies and practices of the courts.

“Such an examination is certain to have a wholesome effect. Courts should have no more to fear from honest criticism than do the Congress and the President. Judges are public servants. Their acts are public acts. In a self-governing nation, neither courts nor their decisions can properly remain above and beyond the control of the sovereign citizens. Judges cannot perform their high function in the public interest unless they are made acquainted with public needs and are responsive to the public will.

“The judiciary has grown to be the most powerful institution in our government. It, more than any other, may advance or retard human progress. Evidence abounds that, as constituted to-day, the courts pervert justice almost as often as they administer it. Precedent and procedure have combined to make one law for the rich and another for the poor. The regard of the courts for fossilized precedent, their absorption in technicalities, their detachment from the vital, living facts of the present day, their constant thinking on the side of the rich and powerful and privileged classes,

have brought our courts into conflict with the democratic spirit and purposes of this generation. Moreover, by usurping the power to declare laws unconstitutional and by presuming to read their own views into statutes without regard to the plain intention of the legislatures, they have become in reality the supreme law-making and law-giving institution of our government. They have taken to themselves a power it was never intended they should exercise; a power greater than that entrusted to the courts of any other enlightened nation. And because this tremendous power has been so generally exercised on the side of the wealthy and powerful few, the courts have become at last the strongest bulwark of special privileges."

No class of our people has suffered so much from judicially declared public policy and "the dead hand of precedent" as the industrial masses. Employers and employees have suffered from misdirected efforts of the court to protect property at the expense of the general welfare.

Let the industrial boards seek out and declare the truth with wisdom, without fear or favor, and they will do much to secure industrial prosperity. When judicial suggestions would substitute the "dead hand of precedent" and "technicalities" for the vital facts, let the boards stand by the facts. If so, they may hasten the day when the judge shall not only have the "understanding heart" but "go in the way of understanding".

GENERAL DISCUSSION

EDWARD T. DEVINE, *Director, New York School of Philanthropy*: I wish to state two or three reasons which arise in my mind for the failure of administration in our several states to contribute as much to the improvement of industrial relations as we might perhaps reasonably expect.

The first reason, I believe, is the general inefficiency of state administrations. You will understand, of course, that I am not speaking about Wisconsin, but about the forty-seven other states. We do not, I think, need to go to Germany or to other European countries, although we might profitably go there, to find a standard by which we could measure the inefficiency in practice of many of the departments of our state governments. We may compare that efficiency directly with the far superior character of the administration machinery of our own federal government.

The second reason why I think we are not getting from our state administrations as much help as we might in adjusting our industrial relations is a lack of industrial law in our several states. I refer both to statutory law and to the development of the common law by the orderly and natural operation of the courts. Of course enormous changes have taken place within the last half dozen years in this respect, and yet we are still not very far away from the time, when, to the court, an industrial relation was the simple and direct personal relation between a master and a servant instead of the actually existing relation between great industrial corporations on one hand and organized regiments of wage-earners on the other. We have not yet readjusted our statutes and our court decisions to the new situation. It has seemed to me that one of the vital and necessary functions which the Commission on Industrial Relations can perform, is to work out, of course only for suggestion and for whatever use the several states wish to make of it, something like a standard or model law defining such relations, and, though this may seem a venturesome proposition, even to develop something like a law textbook of judicial decisions relating to the problems arising in industrial relations. The commission has lawyers among its own members and it could employ such

legal expert advice as it might wish, and it seems to me that they might well examine the federal and state decisions, collate and interpret them, and bring them into such definite and usable form as would enable counsel to refer to it as an authoritative text-book, as an easy and ready means of citing the cases that are pertinent to the kind of discussions that arise.

I think the third reason is a lack of administrative machinery. I do not refer entirely to official machinery, but to voluntary machinery as well, such machinery as is represented by the newly established industrial commissions in several state governments, such machinery as is represented by the joint board of sanitary control, established, for instance, under the protocol in the needle trades in New York. The necessity of dealing properly with problems of this kind is a field of exploration and discovery upon which we have only begun to enter.

JOHN R. COMMONS, University of Wisconsin: Commissions in this country have hitherto been faculties of political economy which prepared investigations and published them, and the legislatures and the people were never able to find out what conclusions they reached. I myself was quite active as an employee of the former industrial commission which reported some ten or twelve years ago. I received a very highly advanced post-graduate education in the course of the work. It was one of the best schools that I ever attended, and I made out a graduate thesis on the subject of *Immigration and Trade Unions*, which you will find scattered through the nineteen volumes of the report of that commission. Now, if any of you have improved your minds by consulting those investigations, and have acted upon them effectively, I should be glad to hear of it. I have been waiting ten years to find somebody who has done something as the result of the revelations which that commission made, and the exhibition of situations and conditions contained in that post-graduate university muckraking.

Since that time I have always been opposed to commissions. I am opposed to commissions now, except when I am on one, and I still am opposed to them when I am on them if they do not do something that gets somewhere, that gets some results, and that leaves something. It seems to me that one of the first great things for this Federal Commission on Industrial Relations to do is to get

the cooperation of the people in this country, of the interests that are clashing and fighting. This commission goes out of existence in a year and a half or two years, depending upon the action of Congress. When we go out of existence, what are we going to leave? We may leave a set of discussions and of investigations or of doctors' theses to be filed away in the libraries. But if we have not at the same time enlisted the cooperation of employers and employees, and of the various state and federal departments of labor, in conducting these investigations and in reaching the conclusions which we shall reach; if when we expire we do not leave in Congress and in the state legislatures and in the various groups of lobbyists who appear before these bodies a number of people who know exactly what our recommendations are, who know that the recommendations are practical and that they ought to be adopted; if we have not so educated people that when any congressman or member of a legislature proposes an amendment to our recommendations that will be a joker and kill them, the people will have ready the argument to show why that joker is a joker and why it should be cut out—if we do not leave behind us some such educated and interested public opinion to back up these recommendations or propositions, as far as I am concerned I would rather be lecturing to my classes at the University of Wisconsin, which gives me a great deal of satisfaction, and in ten or fifteen years from now they will be doing something.

But this commission has an opportunity of doing something at the present time. The commission has to deal with all the subjects that relate to labor. We have so many varieties of subjects that we are at present in a state of expectancy. We have, as a commission, no ideas, no propositions, no consensus of opinion; and of course it would be impossible for one member to say what the commission is going to do. It does not intend to revolutionize the country, and does not expect more than the country is able to do at the present time, but it does expect to do something.

QUESTION FROM THE AUDIENCE: I understand that the feature of the Wisconsin compensation law requiring the payment of reasonable medical expenses has been held to be unconstitutional, but I have not been able to learn just why. Was it on the ground that that was an administrative order which involved the exercise of legislative power?

MR. COMMONS: I think Mr. Crownhart would be the one to answer that question. He knows the technical legal part of the matter. I may say, however, that I took part in rendering that decision of the administrative body, and I think it was a correct decision and that the state supreme court made an error in reversing it. I think the court's decision makes it very questionable whether injured men can have medical assistance promptly on the occurrence of an accident. It seems that the court has practically adopted a technical rule that due notice must be given to the employer before injured men can get medical assistance. There are some constitutional rights which must be protected by due notice and public hearing, but it does not seem that when a man is bleeding to death we ought to wait for medical assistance until due notice has been given under the constitution, to protect the property of the employer against confiscation. Consequently I am in hopes that some argument may in the future be presented to our court which will illumine it on the difference between the case of a man lying at the point of death waiting for medical assistance, and those cases in which appeal may properly be made to the constitutional protection of private property against confiscation by an administrative commission.

QUESTION FROM THE AUDIENCE: What results have been obtained where an effort has been made to establish some kind of a tribunal for compulsory arbitration in labor disputes?

MR. COMMONS: Two English speaking countries have gone to opposite extremes in dealing with that question. New Zealand, under the compulsory arbitration act, takes away from trade unions and employers' associations their responsibilities and all private initiative and turns these functions over to the state. Great Britain, on the other hand, under the trade disputes act has adopted exactly the opposite method, and decided that the state will entertain no action whatever in the case of a trade dispute to restrain either the organized laborers or the organized employers. In other words, it has taken both organizations out of what we would call the Sherman anti-trust act. The question before this country at the present time is which of those two positions we shall take, that of New Zealand, which incorporates the trade unions and the employers' associations

as branches of government, making them practically the bodies for determining the wages and conditions of labor, or that of England, which withdraws the court altogether from control over these organizations except when they commit offenses which would be criminal if an individual committed them, and where the mere fact of doing an act in combination does not add to its criminality. For my own part, I am in favor of the English procedure, in which the court and the state get out of the way and let both sides have complete opportunity to organize, to enter into trade agreements, to picket, to boycott, to blacklist, to lockout and to do all of the actions which in this country are debatable. I think we must go to either the one or the other extreme; I see no middle ground. One reason for not favoring the compulsory arbitration method of New Zealand is simply a practical one. When a union violates an award, the penalty is a criminal penalty—fine or imprisonment. These working people have no property upon which to levy a fine, consequently you must imprison them. If you imprison one labor union, another labor union goes on a sympathetic strike, and you will have to imprison that union; and then the next union goes on another sympathetic strike, and you go on until you have imprisoned the entire labor movement of the country. In this country, which is run by popular government and universal suffrage, I doubt whether such a method would be successful.

QUESTION FROM THE AUDIENCE: Would it not be a good idea to compel labor unions to be incorporated?

PRESIDENT WILLOUGHBY: I rather think we are getting a little far away from the topic, and if the speaker will allow me, I will rule that question out of order.

JAMES A. LOWELL, *Chairman, Massachusetts Board of Labor and Industries:* A question which frequently arises in connection with industrial commissions is: How far it is constitutional to delegate to a commission the power to carry out the functions which are sometimes called legislative?

When the people of Massachusetts were adopting their constitution in 1780, they were all very much impressed with the ideas of continental writers on the theory of government, especially those of Montesquieu. Montesquieu's pet theory was that there should be

three branches of government, and that those three should be absolutely separate—the legislative, the executive and the judiciary. So it is put in one of the clauses of what is known in Massachusetts as the Bill of Rights that there shall be these three departments and that no one of them shall exercise the power of the others, "to the end that it may be a government of laws and not of men."

As soon as the government in Massachusetts got to going it was seen that that phrase, which looks very well on paper and is very high sounding, was largely if not entirely contradictory of the facts of history. The talk that is now made a good deal of by lawyers, of there being these three departments, no one of which can exercise any of the powers of the other departments, is really largely a mistaken idea of the way our institutions have grown up.

A typical case which arises everywhere is that of the functions of a board of health. Technically a board of health can do nothing except what the legislature tells it in so many words it can do. As a practical matter it does a great many things which really are legislative or judicial, in addition to its purely executive functions. And the reason it does them is that it has always done them in English speaking countries.

That is the rule now. No one need be afraid that the question of delegation of power will defeat a commission like that in Wisconsin; it will not do anything of the kind. The function of such a commission has never been better stated than when Professor Commons summarized it as putting into practical operation the facts determined through constructive research. That is the situation exactly. A rather striking case occurred in Massachusetts some years ago. It was desired to divide Boston into two districts as regards the height of buildings. The legislature passed an act that in one district in Boston, which should largely be a business district, the height might be 125 feet, and that in the other district, which should be largely residential, it might be only eighty feet. Then it gave to a commission of three to be appointed by the mayor of Boston power to say what the limits of those districts should be. This way of doing was held constitutional.

Everywhere in this country we have railroad rate regulation, in which the legislature says the rates shall be reasonable, and then gives it to a commission to determine what rates are reasonable, and those have been held to be good laws.

The United States Supreme Court has in several cases upheld the power of Congress to delegate to a board or commission the function of determining the facts necessary for the application of a law passed by Congress. A single instance will suffice. By an act of Congress it was provided that the draw-bars of freight cars should be of uniform height and that the American Railway Association should designate to the Interstate Commerce Commission the proper height. The height thus determined was to be the legal standard. This method of determining the height of draw-bars was held to be constitutional.

THOMAS I. PARKINSON, *Columbia University*: "Administrative orders", as that term is used by Mr. Crownhart, includes:

(1) Legislative orders: General rules and regulations made by administrative officers in pursuance of authority delegated by the legislature. For example, the statute creating the Wisconsin Industrial Commission requires employers to provide sanitary places of employment and authorizes the commission to make rules and regulations declaring standards of sanitation. The commission, by general order No. 2017 required "in all places of employment not less than 300 cubic feet of air space must be provided for each person". This is a general rule applicable to all cases which come within its provisions;

(2) Executive orders: Specific rules or notices directing a particular person to take or refrain from a specified action, or in general to comply with existing law whether made by the legislature or by the executive in pursuance of delegated authority. For example, if John Jones over crowds his factory, the commission will issue an order directing him to comply with the above rule by reducing the number of employees in a given space so that there shall be 300 cubic feet of air space to each employee.

The Wisconsin Industrial Commission is authorized by the act creating it to issue, and does in fact issue, both legislative and executive orders. The act creating the commission distinguishes these two classes of orders by the terms "general orders" and "special orders". The treatment of both classes of orders issued by the Wisconsin commission under the general term "administrative orders" is, I think, confusing. They involve totally different considerations of policy and of law. Mr. Crownhart shows this confusion plainly

where, in discussing the procedure of the Wisconsin commission in making general rules, he says that it is the reverse of court procedure. Of course it is the reverse of court procedure, but not for the reason given by Mr. Crownhart. It is the reverse of court procedure because it is legislative procedure; law making, not law interpreting or law enforcing. Critically comparing it with court procedure, Mr. Crownhart says, "It is not necessary to wait until a man is killed to determine the fact as to whether the employment is safe as the courts are obliged to do, repeating the process with each death." This observation obviously applies only to employers' liability for the death of employees. Where the statutes require places of employment to be constructed or equipped in a particular manner, the courts—if administrative officers and prosecuting attorneys do their duty—do not have to wait until somebody is killed to determine that such places are not so constructed or equipped. Without the Wisconsin procedure, the New York courts in the enforcement of the labor laws are constantly called upon to determine whether places of employment are constructed or equipped in accordance with the labor laws. These questions are involved in every prosecution for alleged violation of the labor law, and this is true wherever there are labor laws with penalties provided for their violation.

The difference between the two kinds of orders is brought out clearly by the organization and procedure of the New York Department of Labor as recently reorganized. An industrial board is authorized by express delegation of the legislature to make rules and regulations carrying out the general provisions of the labor statutes, while the commissioner of labor is authorized to enforce the labor statutes and the rules and regulations made by the industrial board, and in the course of his enforcement of these laws to issue orders directing compliance therewith. These orders issued by the commissioner of labor are in the strict sense of that term "administrative orders". The rules and regulations made by the industrial board are purely legislative orders.

As I have said, "legislative orders" and executive orders involve different questions of policy and of law. Some of the important questions of policy and law involved in legislative delegation to administrative officers of the power to make general rules and regulations, or, as I have termed them, "legislative orders", are:

- (1) The need for an agency other than the state legislature to enact detailed rules and regulations;
- (2) The constitutionality of the legislature's delegation of its power;
- (3) The effect as law of the rules made in pursuance of the delegation;
- (4) The procedure for determining the constitutionality of the delegation, the question whether the administrative body has, in the making of the particular rules, exceeded the powers delegated to it, and in a general way the reasonableness and validity of the rule. In the absence of any special provision all of these and like questions would be determined in a prosecution in the inferior courts for violation of the order.

When these questions have been determined in favor of a "legislative order" and its validity is established, it is in precisely the same position as a valid statute passed by the legislature. Like such a statute its enforcement requires determination of the persons to whom it applies, the circumstances under which it applies, and the particular action or non-action which it requires of such persons under such circumstances.

The important problems of policy and law involved in the "executive order", or as it is termed in the Wisconsin act the "special order", are quite different, and generally they include:

- (1) Should administrative officials issue orders to comply with existing law whether contained in a statute or in a general rule made by an administrative body before proceeding to prosecute for violation of such a rule?
- (2) Assuming that such orders should be issued either as preliminary to prosecution or as a discretionary substitute for prosecution, by what procedure or in what manner is the validity of the order to be determined—
 - (a) in a prosecution for violation of the order, or
 - (b) in a special proceeding prior to such prosecution, and, if so, of what kind?

The legality of such an order involves a number of questions of law as well as of fact. For example, does the statute or rule under which the order is issued apply to the person affected by the order? Does it require the action or non-action ordered? Is some other action already taken by the person affected by the order, equivalent

to the action ordered? These questions must be determined before any one can be punished for violation of the order. These are the questions which arise in every prosecution for the violation of any law. These are the questions which, under the Wisconsin act, are taken out of the inferior courts in which prosecutions are brought and are required to be raised and determined if at all in special proceedings had first before the industrial commission itself, and thereafter on appeal, if demanded, to the Dane county court. For example, if the commission orders John Jones to provide 300 cubic feet of air space for each employee as required by the commission's general rule above referred to, Jones must petition the commission to have the order revoked or amended or he must comply. If he fails to take the special proceeding provided for testing the validity of the order the act provides that the only question which the courts are to consider in a prosecution for violation of the order is: Did Jones comply? He has waived all objection to the validity of the order.

The importance, therefore, of the Wisconsin scheme is not that the commission *issues legislative and administrative orders*, but the fact that special proceedings other than prosecutions for violation are provided for testing the validity of the commission's general and special orders.

The general purpose of these special proceedings is to prevent the raising of broad technical questions of law, mechanics, physics, chemistry, etc., in prosecutions. The inferior courts before whom these prosecutions are brought cannot and ought not be required to attempt to pass upon such questions. Persons affected by the law ought not to be permitted to raise such questions before courts of prosecution but should be confined to remedies which secure a reasonably effective investigation and a fairly scientific determination of the questions involved.

There is need of a careful study of the procedure of the Wisconsin commission in the enactment of general and special orders, of the procedure before the commission and afterwards in the courts in proceedings to test the validity of both general and special orders issued by the commission, and of the difference, if any, in the requirements of due process of law in the determination of the validity of the general and the special order, with particular reference to such questions as

(1) The power of the legislature to require such questions as the

constitutionality of a delegation of legislative power to an administrative board to be raised in a special proceeding prior to prosecution and to provide that failure so to raise it shall constitute a waiver of the right to object to the constitutionality of the delegation in a subsequent prosecution which may involve criminal punishment;

(2) The right of the person affected by a general or special order to have at some stage of the proceedings the right to a jury trial on the questions of fact involved in determining whether he has violated the law before he is punished civilly or criminally for an alleged violation.

Mr. Crownhart refers to this latter phase of the problem when he gives warning of the necessity for providing due process of law, but he does not indicate what he thinks constitutes due process, or whether the Wisconsin act, which makes no provision for a jury trial, conflicts with the due process requirement.

The Wisconsin scheme for applying to the labor laws the commission system already in use in the field of public utility law is one of the most interesting developments in recent years not only in labor legislation, but in the whole field of administration of the law.

Mr. Crownhart has every reason to be pleased with the result of the work of his commission and optimistic as to its future.

II

PRESIDENTIAL ADDRESS

**JOINT SESSION WITH THE AMERICAN POLITICAL SCIENCE
ASSOCIATION**

*Presiding Officer: CHARLES H. STOCKTON
President, George Washington University
WASHINGTON, D. C.*

THE PHILOSOPHY OF LABOR LEGISLATION

W. F. WILLOUGHBY

President, American Association for Labor Legislation.

Careful study of any period will reveal that, behind all the complex happenings marking such period, there have been certain fundamental impulses, certain human strivings, of which the happenings themselves have been, in great part, but the manifestations, or expression in concrete action. It is the prime function of the historian to discover, explain the rise, trace the development and make known the results of these forces which have dominated mass action in the past. Only as this is done do the myriad of events which make up the body of historical data assume a real meaning, and historical narrative become other than a dry tabulation of detail.

A distinguished historian, E. A. Freeman, has well said that if history is past politics, politics is present history. If it is of value for the historian to trace out and place in their true light those great movements of the past, how much more important it is that the student of present-day politics should, by a similar examination of current events and efforts, seek to make known and to interpret the forces and aspirations now dictating the collective action of peoples. Just as history has little significance for us, except as these mainsprings of human conduct are laid bare, so present politics will fail to have the meaning which it should have, unless we can have clearly in mind the great ends toward the accomplishment of which present-day collective or political action is directed. It is for us, therefore, students and practical workers alike in the field of politics, occasionally, at least, to stop and ask ourselves: What are the motives, the fundamental objects, that we have in view in proposing and advocating concrete measures of reform? Have we any real social philosophy? Can we claim any fundamental end the achievement of which will represent a gain other than the particular improvements sought to be accomplished by the specific measures proposed? If we have, and if we can bring them home to

the people, we will have accomplished a great step in the campaign for betterment upon which we are engaged.

If we reason the matter out carefully, I think that we can not fail to realize that any great reform calling for political action has at least two distinct tasks to accomplish. It must convince the people, and their representatives, first, that the specific result sought to be accomplished is in itself a desirable one; and, second, that this result is one which can, and should, be accomplished through political action. Patent as this is, I think that too often, in our earnest strivings to accomplish the first, we lose sight of, or at least fail to pay due attention to, the second.

It has now been a matter of something over twenty-five years that I have been earnestly interested in the great movement for the improvement of industrial conditions and the betterment of the conditions of labor. I think that I can say that no field of social reform has in the past appealed, or in the present appeals, more to me than does this giving to labor that share of the wellbeing now enjoyed by other more fortunate classes of which it is at present so largely deprived. In common with all workers in this field I have welcomed the improvements which have, at this point and at that, been accomplished. I believe that progress has been achieved and that a further advance is inevitable. To this extent I am an optimist. It is, however, when I look back on the tremendous efforts that have been put forth to bring about these few and isolated achievements, and the time that has been required for their accomplishment, that I am impressed with the fact that something must be radically wrong that these gains should have been secured only at such an expenditure of time and strength, and that each time some simple improvement is sought to be accomplished the same fight has laboriously to be fought over again.

Reasoning on the matter in this pessimistic mood, I have come to the conclusion that the explanation lies in the fact that we have never yet performed the second of our fundamental tasks. We have again and again asked the state to exert its sovereign power to bring about a certain condition of affairs but we have never converted the people wholeheartedly to the principle that the determination of the fundamental conditions under which industry should be carried on, and labor performed, is, or should be, a prime function of the state, and that, consequently, the latter is performing its duties properly only to the extent to which it is acting upon this principle. Essentially,

fundamentally, therefore, our great problem is a political one. It is that of bringing about a change in the political philosophy of the people. Could we once accomplish this, the battle would be virtually won all along the line. There would remain but the comparatively easy task of perfecting the technical details through which this general principle of state action would find expression.

Back in their minds the American public are still dominated by the dogmas of *laissez-faire* and individualism as preached by the Manchesterian and utilitarian schools of the middle nineteenth century. They still are influenced, though often unconsciously, by the doctrine that all resort to the state is to be deprecated. To the conception of the state as a powerful agent for the accomplishment of positive good they lend but a reluctant ear. As Gambetta said in respect to the opposition new France was encountering, "*Le clercicalisme, voilà l'ennemi*" so the modern social reformer must say of this attitude of mind toward the function of the state, "There is the real enemy to be met."

If we turn to other countries we can find scarcely a vestige of the old philosophy remaining. No more striking evidence of this fundamental change in political thought is afforded than that offered by the transformation that has taken place in the political principles of the Liberal party now in power in Great Britain. During the great liberal period, ushered in by the reform act of 1832 and extending at least to 1874, the Liberal party stood for the economic doctrine of *laissez-faire* and the political doctrine of individualism as urged by the most extreme of the Manchester and utilitarian schools. From this position the party has made a complete *volte face*. To-day it stands no less emphatically for the new conception of the state as an agency whose full power should be exerted for the betterment of the material interests of the people.

It has been the fashion to characterize this change as one from individualism to collectivism or even Socialism. Collectivistic it certainly is if by that we mean the recognition of social rights and duties and the use of social or collective action to meet them. That it is anti-individualistic in the sense of laying little, or less, emphasis upon the desirability of individual freedom and initiative, is wholly incorrect. Modern liberalism, in the United States as well as in England, looks to state action as the means, and the only practicable means now in sight, of giving to the individual, all in-

dividuals, not merely a small economically strong class, real freedom. It holds that the so-called freedom of the dependent woman and child to work as long hours and under any conditions, no matter what the danger to health and limb, is, in truth, but abject slavery masquerading under the name. Freedom means a real liberty to choose.

Fundamentally there exists throughout modern society the juristic paradox that liberty is many times sacrificed by laws conferring freedom, and that laws establishing legal restraints have as their result the broadening of the field of liberty. No one has put this paradox more clearly, nor analysed it more acutely, than Dicey in his brilliant work *Law and Public Opinion in England in the Nineteenth Century*. "Ought," he says, "a borrower to have the right to obtain a loan, which he urgently requires, by the promise to pay usurious interest? Ought a man, to take an extreme instance, to be allowed to make a contract binding himself to be the servant of his neighbor for life? (Such a contract was legal in England as late as 1837, and though specific performance could not be enforced, damages for its breach could be recovered.) To put the matter more generally, ought every person of full age, acting with his eyes open and not the victim of fraud, but who nevertheless is placed in a position in which from the pressure of his needs he can hardly make a fair bargain, to be capable of binding himself by a contract? If these and the like questions be answered in the affirmative, an individual's full contractual capacity is preserved, but he is in danger of parting, by the very contract which he is allowed to make, with all freedom." And again: "May X, Y and Z lawfully bind themselves by agreement to act together for every purpose, which it would be lawful for X, Y or Z to pursue if he were acting without concert with others? If this question be answered in the affirmative, the contractual freedom, and therefore individual liberty of action, receives what appears to be a legitimate extension, but thereupon from the very nature of things two results immediately ensue. The free action of X or Y or Z is, in virtue of the agreement into which they have entered, placed for the future under strict limits and their concerted action may grievously interfere with the liberty of some third party. . . . If on the other hand, the question before us be answered in the negative, and in the interest of individual freedom, the law forbids X, Y and Z to combine for purposes which

they might each lawfully pursue if acting without concert, then the contractual power of X, Y, and Z, or, in other words, their liberty of action, suffers a serious curtailment. . . . Hence the right of association has, even from a merely speculative point of view, a paradoxical character. A right which seems a necessary extension of individual freedom may, it would seem, become fatal to the individual freedom which it seems to extend."

I have quoted at length from Dicey for three reasons. In the first place, the quotations bring out clearly the fundamental principle underlying, and furnishing the true justification for, all action on the part of the state having for its purpose the regulation of industry and labor, whether it applies to combinations of labor or capital, to the imposition of conditions to be observed in the interest of health and security, or to the basis upon which the labor contract between employer and employee shall be made. Secondly, they demonstrate that abstention on the part of the state from all attempt at regulation does not necessarily mean real respect for individual freedom of action, but on the contrary may mean the sanctioning by law of conditions which will in effect destroy any real freedom; and, conversely, they demonstrate that legal limitations upon freedom to do certain things may, and in all proper social legislation will, result in a real increase in individual freedom and independence. Finally, as the logical deduction from this, the battle upon which we are engaged for the determination by law of the conditions that shall obtain in industry, whether it relates to health, security or the labor contract itself, instead of necessarily meaning, as many suppose, a narrowing of the sphere of individual liberty may be, and we believe, is directed to the end that real freedom may find fuller expression.

This, then, is the answer to the question propounded in the earlier part of our paper, *Have we any real social philosophy?* Can we claim any fundamental ends the achievement of which will represent a gain other than the particular improvements sought to be accomplished by specific measures of reform? We have such a philosophy, and, contrary to general belief, it is one that looks to the broadening of the real liberty of the individual. We recognize with Dicey that, in asking for the imposition of certain conditions, we are infringing to that extent upon the theoretical liberty of contract. But with him we believe that we can maintain that such restrictions are far more than compensated for by the greater prac-

tical freedom in other respects conferred upon the people affected. Our philosophy rests upon the dual postulate that there is a minimum of economic independence and comfort that must obtain if an individual is to be measurably free, and that this minimum can only be secured by the state's assuming the obligation to see that it is in no case violated. It holds that liberty and law are correlative terms: that the first can truly exist only through, and by virtue of, the second. Remove all legal restraint on the manner in which industry shall be carried on and we invite but a merciless exploitation of the weak and their subjection to a condition of dependence. We hold therefore that the refusal by the state, which alone has the power of enacting and enforcing general rules of conduct, to determine the minimum conditions of health, security and comfort which the public conscience demands as the birthright of all, its refusal to prevent the exploitation of the weak and helpless through excessive hours of labor or the payment of an inadequate wage, and its refusal to ensure the making of due provision, through insurance institutions or otherwise, against the four great contingencies threatening the economic security of the individual—accident, sickness, old age and invalidity, and inability to find work—means its failure to meet that duty which it is the prime function of a constitutional government to perform; namely, the protection of the individual against oppression and the guaranteeing to him of the fullest possible enjoyment of life, liberty and the pursuit of happiness.

It is at this point that we join forces and stand shoulder to shoulder with other individuals and organizations which, like us, are fighting the battle of social improvement. It is not by mere chance that we see at the same time such great parallel movements as those for the improvement of public health conditions, for the regulation of housing conditions, for the better treatment of the dependent and defective classes, for the extension to the masses of opportunities for education and the provision of rational means for recreation, for the cheapening, expediting and improving of methods of judicial administration to the end that the courts may be open to all, rich and poor alike, for the regulation of commerce and, finally, for the accomplishment of the end to which we have specially dedicated ourselves, that of improving the conditions under which the individual worker shall perform his labor. All of these represent the same fundamental characteristics. They stand for the equaliz-

ing of opportunities, the giving to all the same chance for health, education, recreation and labor, in a word, personal freedom, in so far as such opportunities can be brought about by collective action. They base their efforts upon the sound social philosophy that there are social as well as individual duties. They adhere to the school of political philosophy that maintains that it is the function of the state to give expression to, and to put into effect, as far as it can, these demands of the social conscience. In fighting our fights we are at the same time contributing our part to the general movement for a fuller recognition of the province of the modern state. With those working in the other fields we are staunch individualists, but we maintain that this real individualism can only be secured through the state's recognizing that affirmative action on its part is necessary if this end is to be attained.

We have now considered one of the bases underlying our philosophy. It has to do with the individual as an individual, his welfare and his liberty. There is yet another phase of our philosophy that requires attention. I allude to its bearing upon the all-important problem of national efficiency. Of the great impulses now actuating humanity none is more deeprooted, none more widespread, than that actuating the several peoples of the globe to strengthen their position in the general family of nations and, if possible, to achieve supremacy. In all periods of history nations have striven to increase their power and to dominate in the field of world politics. The modern phase, however, differs in many respects from those that have preceded. Chief among these differences is the fact that, for the first time in history, all the nations of the globe have, in effect, been brought within the circle of this competition. For the first time there is a realization of the smallness of our sphere. The period when increased power is primarily obtained through territorial expansion and development of new and uncivilized territory is drawing to a close. Hence the strenuous struggle for the few districts yet remaining. The feeling is that the time is well within sight when all nations will occupy their allotted portions of the globe. Even now most of the nations may, in this respect, be said to have come to a state of rest.

This does not mean that competition between states will cease. It means merely that it will enter upon a new phase. It means that it will become intensive instead of extensive. From now on, na-

tions will put forth their most strenuous efforts so to develop their internal resources as to give them the supremacy to which they aspire. This brings us to the second of the differences marking off the modern from preceding phases to which allusion has been made. International competition will be industrial and commercial rather than military. Instead of narrowing, the field of contest will thus broaden out so as to include almost all phases of human activity. This can mean but one thing. Victory will perch upon the banner of that nation which succeeds in developing the greatest efficiency in the arts of peace. If a nation desires to advance in this competition it behooves it to apply itself consciously and deliberately to the perfection of all of its institutions and agencies, to the conservation and development of its natural resources, and to their most effective utilization for the satisfaction of human wants.

Of all national resources labor is by far the most important. So important is it that one may almost say that all else depends upon it. Not until a nation has secured a body of sturdy, skillful and contented workers can it be said to have met the first requisite to national efficiency. It thus becomes a matter of prime importance for the nation to apply itself nationally to the task of bringing about this condition of affairs. As in the past the nation that would succeed had to apply itself to the training of its soldiers, so now it must apply itself to the training of its industrial workers. We are appalled at the suffering, loss of life and destruction of wealth entailed by war and preparation for war. They are as nothing compared with the misery, sickness and death now due to the failure of society properly to control the conditions under which industrial work shall be performed. No one can calculate the loss daily taking place as the result of the use of feeble, untrained, discontented workers.

It is part of the philosophy of our organization that, in striving for the welfare of the individual, we are at the same time striving for the increase in strength and power of the nation. We believe that in seeking to secure that children shall not be employed during their tender years, that women shall not be permitted to perform work unsuitable to their strength, that men shall not be made to work excessive hours nor subjected to conditions detrimental to their health or security, that in all cases the workers' wage shall be sufficient to permit of proper nourishment and protection, that op-

portunities shall be afforded for rational recreation and the development of their faculties, that facilities shall be provided for their general and technical training, that security shall exist for their support and that of those dependent upon them when they are incapacitated for labor through no fault of their own, that the terms of the contract determining the conditions under which they give their labor shall be fair and equitable, and that provision shall be made for the proper adjustment of all differences arising out of such contract—we believe that in urging these and kindred measures we are seeking to have done only that which, apart from all other considerations, is absolutely essential if our nation is to conserve and increase its national power and to hold its own in the great world contest for supremacy.

No one, I think, can deny that to its efforts in this field are due, in no small part, the astonishing development in national power of the German people. If we turn to the far east we have, if anything, an even more significant example of this fact in the rise of Japan. While this paper was in process of preparation there came into my hands the extremely interesting document in which President Eliot gave to the Carnegie Foundation for International Peace the results of his observations in the East. In reading it I was struck with the fact brought out by him that Japan, in its unexcelled work in the field of preventive medicine, and in working out and applying a scientific ration for its soldiers and sailors, had been actuated primarily by the desire to secure efficiency in its military establishment. Only secondarily, or at least to a less extent than is the case with western nations, was it moved by the purely humanitarian interest in the welfare of the individual. Whether the laying of the emphasis on this side is or is not to be deemed the proper motive is, for our present purpose, immaterial. The important point is that Japan has not only recognized that national power must be secured through the development of the individual but has demonstrated that no expenditure or effort is too great to this end. At the outset the attention of the Japanese government was naturally concentrated upon the army and navy. More directly pertinent to our present subject is the fact that Japan is now no less fully cognizant that the same policy is demanded in the industrial field. The rapid rise in that country of manufacturing on a large scale has brought with it many of the evils so greatly in evidence in western nations. En-

grossed in its foreign wars Japan has not had the time to reform its legal system to meet these new conditions. President Eliot points out that existing evils are fully appreciated and that Japan is now about to do for its industrial army what it has so ably accomplished for its men in armor. The United States to-day is far in the rear of most of our great competitors in respect to social legislation. Let us take heed that we are not distanced too far by both the East and the West.

III

SICKNESS INSURANCE

Presiding Officer: HENRY R. SEAGER

Columbia University

NEW YORK CITY

THE PRACTICABILITY OF COMPULSORY SICKNESS INSURANCE IN AMERICA

JOSEPH P. CHAMBERLAIN

Legislative Drafting Research Fund, New York City.

We have already taken the first step in social insurance and it has been a long one. Compulsory insurance against work injuries, either direct or of the club variety, has become the law in fifteen states¹ since the principle was introduced by the Washington act of 1911, and that it has passed into practice before the questions of general principle and expediency were finally settled is apparent to any one who reads the reports of investigating committees on workmen's compensation even now appearing. Is it not possible that other steps in social insurance will be as rapidly taken as the first, and long before preliminary questions of policy have been finally determined? That sickness insurance is a cloud on the legislative horizon is shown by the fact that a bill has already been introduced in at least one state legislature, and Congress was asked at the last session by a resolution to create a commission of inquiry into the subject. In view of such facts, associations like the American Association for Labor Legislation should take up the practical questions of sickness insurance so that when the request for legislation comes the serious difficulties in its way will be at least laid bare and legislative committees will not have a reason for wasting time and money in investigating what to investigate. This paper is rather an attempt to start thinking on sickness and burial insurance along definite lines, than an attempt to draft out a final scheme for a system of this insurance.

PRACTICAL VALUE OF SICKNESS INSURANCE

The practical value of sickness and burial insurance has been fully recognized in Europe. Since its introduction in Germany in 1883

¹ Connecticut, Illinois, Iowa, Kansas, Massachusetts, Michigan, Nevada, New Hampshire, New York, Ohio, Oregon, Texas, Washington, West Virginia and Wisconsin.

it has steadily spread out, not only to new classes of persons in its parent country, but over the border into many European states.² Very direct expressions of opinion as to its benefits from both employers and workmen are available. Addressing representatives of the National Association of Manufacturers, speaking therefore, as employer to employer, the German manufacturers, as quoted in Schwedtman and Emery's *Accident Prevention and Relief*, are most enthusiastic.

Dr. Spiecker, president of Siemens and Halske Co. and chairman of the League of German Employers' Associations, says:

"It is perfectly evident to-day that we have secured higher efficiency in our industries due to increased workers' efficiency, all brought about by relieving our workers from worries and distress on account of sickness, injury, superannuation and invalidity.

"You will remember that each time when I gave voice to this sentiment during my celebration speech the whole assemblage heartily applauded and this must convince you that my sentiment and experience are in keeping with that of German industries."³

Mr. Emil Jacob, chairman of the Storage Employers' Association, says:

"German legislation for the protection of workmen, in my opinion, ranks among the greatest achievements of the nineteenth century. Its chief value lies in the fact that all workmen and administrative officials who depend upon their labor, strength and health for a living are, by law, protected against distress caused by sickness, accident, disability or old age, and guaranteed the right to an income sufficient to keep them out of the poor house."⁴

Mr. Ferdinand Kunad, iron and steel manufacturer, says:

"The continuance of the German social laws, i.e., of sick insurance, accident insurance, old age and disability insurance, is desirable under all circumstances, as it gives the individual employer the assurance that his workers are protected in every way. It is a relief for him to know that an efficient and well financed organization will look after his sick and injured workmen and that he cannot be sued for damages or compensation. To accomplish this end, compulsory insurance is a necessary prerequisite."⁵

The same authors print, with approval, a letter from Dr. Kaufmann, president of the German imperial insurance department:

"As a result of our social insurance, the feeling between employers and

² See I. M. Rubinow, *Social Insurance*, p. 248.

³ Schwedtman and Emery, *Accident Prevention and Relief*, p. 279.

⁴ *Ibid.*, p. 290.

⁵ *Ibid.*, p. 316.

workers is growing more friendly right along and there is much less industrial strife here than elsewhere. . . . Without the aid of this new agency, our present promising campaign against tuberculosis would be impossible. The workers' lives preserved in this manner mean maintenance and increases of our national resources, and in this way give plentiful returns for the heavy financial burdens which social insurance places upon our economic structure."

Similar opinions are expressed in a British government parliamentary paper containing letters from prominent German manufacturers as to the results of insurance. Mr. Frank Vanderlip, of the National City Bank of New York, in an article in the *North American Review* for December, 1905, writes that German manufacturers and business men answering his letters agree that the system has been highly beneficial.

A commission of English workmen after investigating the operation of German insurance are quoted by Frankel and Dawson in *Workingmen's Insurance in Europe*, as follows:

"The committee sent over by the British Trades Union Congress, after a careful and painstaking investigation, reported that the system had not merely done nothing to break down trade unionism in Germany but had constantly assisted it to gain a stronger foothold; and that the custom of representatives of employers and of workmen serving upon common boards in sickness insurance societies had done much to forward conferences on business matters between representatives of trade unions and employers under conditions which made for a fair discussion of the grievances of union workmen. . . . This body of men (trade unionists), numbering millions of voters, is in accord with employers and all other classes of German citizens in holding that, whatever minor improvements might and doubtless will be made in the present insurance system, it is providing the best possible means, morally and materially, of establishing workingmen upon a self-reliant and independent footing."

Mr. W. Harbutt Dawson, an English writer, quoting from letters addressed to him by German labor leaders, emphasizes the point that the workmen pay willingly their heavy proportion of this insurance. Prosperity of German manufacturers under insurance is patent to all the world, especially so to those who travel in Europe and are able to mark the increase in the number and wealth of their Teutonic fellow travelers. Many tables have been published showing the steady and enormous rise of wages of the German workmen. Fear that organized sickness insurance would injure trade unionism is disproved both by the report of the British commission, as cited

*Schwedtman and Emery, *Accident Prevention and Relief*, pp. 275-277.

'Frankel and Dawson, *Workingmen's Insurance in Europe*, p. 158.

above, and by the fact that the International Trade Union Secretariat in Berlin reports that the German empire has more union members than any other country except the United Kingdom.

Practical difficulties have arisen in Europe in the operation of the insurance. Troublesome questions have been fought out with doctors in regard to malingering, to procedure under the acts, and to organization of the insurance carriers, some of which have been settled and some not. We need to know what was done, why it succeeded, or did not succeed, that we may pattern after success and avoid disaster. The general work of Messrs. Frankel and Dawson, of the United States Bureau of Labor, of Dr. Rubinow, and others, leaves little need for more general reviews, but close study of details of European experience is necessary.

NEED FOR SICKNESS INSURANCE IN THE UNITED STATES

It is important that we should consider the many shreds of information which may be pieced together to show the extent and need of sickness insurance in the United States. No figures exist from which we can estimate accurately the probable amount of loss caused by sickness in this country, but basing its figures on the German experience a committee of experts acting for this Association has estimated that annually there are 284,750,000 days of sickness among workmen in the United States, costing \$792,892,860.⁸ The United States Bureau of Labor reports that every workman in the steel industry has the expectation of nine days lost by sickness in a year as against four days lost by accident, a significant proportion when we realize that it does not cover the cases of men forced by sickness to quit entirely, and that only the sick leave their work. This burden is not borne entirely by the working people. Sums which would undoubtedly amount to considerable in the aggregate are paid by employers as wages to sick employees and to the different insurance funds in which both employer and employee are interested. The extent of the contribution of private charity may be guessed by the statement of the New York Association for Improving the Condition of the Poor, that 40 per cent of the persons helped by it in 1912 became dependent on account of sickness, a proportion which, according to most authorities, is rather higher than the average. The contribution of the state and the public,

⁸I. M. Rubinow, *Social Insurance*, p. 214.

through the support of hospitals and dispensaries, is a large figure. Both Mrs. More and Dr. Chapin, in their studies of conditions in New York City, state that the dispensary and hospital are the principal resources in sickness of the poorer paid classes of workmen.

These sums, large though they must be in the aggregate, leave the huge bulk of the cost of sickness on the shoulders of the workmen themselves, and to lessen in individual cases its crushing weight, often increased by the cost of burial, a widely extended system of sickness and burial insurance has grown up. There are a variety of carriers of this insurance: (1) Industrial and assessment, sickness and burial insurance companies and associations; (2) establishment funds; (3) the lodges of large fraternal orders and small local societies, frequently affiliated with a church in foreign communities; (4) labor union locals, and, to some extent, national organizations. The usual form of benefit is a cash payment in the event of death and a weekly payment to a person who is unable to earn from sickness or accident.

INDUSTRIAL AND ASSESSMENT INSURANCE

Commercial and assessment insurance is too expensive to be seriously considered as a means of meeting the need. Mr. Forman, in Bulletin No. 67 of the United States Bureau of Labor, shows⁹ that, in the year 1903, assessment industrial combination sick and burial companies collected in Washington \$160,693 in premiums and paid \$37,691 in losses. The *Proceedings of the National Convention of Insurance Commissioners* for 1911 shows¹⁰ a loss ratio varying from 30 per cent to 46 per cent in monthly premium insurance against sickness and accident. Furthermore, this form of insurance can never benefit the poorer classes of workingmen. Professor Henderson quotes Mr. John F. Dryden to the effect

" . . . that a company which has its business scattered over a wide territory, and must act through salaried agents, cannot undertake sickness insurance, and that this form of insurance is possible only in brotherhoods or small groups where the members know each other and can detect and discipline malingerers."¹¹

The unions spend annually a very large sum in sick and death bene-

⁹ P. 819.

¹⁰ Vol. II, p. 95.

¹¹ C. R. Henderson, *Industrial Insurance in the United States*, p. 162.

fits. The amount of their payments I have not been able to determine but they may be guessed at from such statements as this:

"It must be borne in mind that in every trade, local unions have existed independently prior to the formation of the international union, and almost without exception they provide death, sick, out-of-work, etc., benefits for their members."¹²

Investigation shows that such relief funds are numerous among the locals of the miners' unions. It is impossible even to estimate the amount of sick and burial insurance paid by the lodges or large fraternal orders and small local societies. Scattered references through the reports of the Immigration and the Industrial Commissions, in the Pittsburgh Survey, and many other sources, make it evident that the number of persons who protect themselves against sickness in this way is numerous and the amounts annually expended must be very large.

ESTABLISHMENT FUNDS

Perhaps the most important factor is the establishment funds, including the great railway organizations. The report of the United States Commissioner of Labor for 1908 on workmen's insurance and benefit funds, covers 429 establishment funds insuring 322,246 persons, and is admittedly incomplete. It is, I am very certain, only an indication of the extent of this form of insurance. A form of establishment fund is the hospital funds, common in mining districts, and frequently found on railroads which do not have regular relief departments. They are maintained by the employer, who deducts from the wages of his employee a sum, usually \$1 a month, to cover the expense. For this, hospital accommodation is provided to care for accidents and sickness, and in some cases, but not in all, sickness care in the home and care of the family, either at reduced rates or free, is included. Frequently the charge is higher if the employee is married and his family get the benefit of the medical service.

The employer, as a rule, does not make any statement as to the use of the large funds contributed by the men, and there is much objection on this score from the employees. In the report of the Industrial Commission it is said¹³ that the hospital system was one

¹² *Proceedings of the American Federation of Labor, 1912*, p. 72.

¹³ Vol XII, p. 12.

ground of complaint in the great Coeur d'Alene strike. "Freedom to patronize any doctor" was one of the demands of the coal miners in their recent Colorado strike,¹⁴ and I have heard objections from employees on construction gangs of at least one railroad corporation to the monthly deduction from their pay for a fund from which they usually received no benefit and for which no accounting was made. This need for regulation of hospital funds is brought out in the report of the insurance department of the state of Washington and a bill was prepared to correct abuses.¹⁵

That in many establishment funds there is probably a species of at least mild compulsion is very well shown in the report of the United States Commissioner of Labor on *Workmen's Insurance and Benefit Funds in the United States*. While out of 461 funds studied only seventy were actually compulsory,¹⁶ the significant statement is made that only 30 per cent of employees in establishments, the funds connected with which are managed by the employees, are members of the funds; the percentage in those managed by the establishments is 75 and in those managed jointly, 66.¹⁷ On the great railroads, the management is usually joint and the membership very large. Where the hospital funds are managed by the company, they appear to be often compulsory. Referring to iron mines, the Commissioner of Labor reports:

"It has been the custom in mining districts to deduct from each worker a certain amount with a purpose of providing medical attention in case of need."¹⁸

thus securing the most effective kind of compulsory insurance.

The large number of establishment funds is the best testimony to the interest of employers in their purposes. I quote, in addition, a few opinions of representative employers. President Williams of the New York Edison Company, addressing the National Association of Corporation Schools, said:

"To-day every far-sighted employer, besides assuming an obligation to

¹⁴ *The Survey*, December 6, 1913, p. 232.

¹⁵ *Report of Washington Industrial Insurance Department*, 1912, pp. 282, 288, 292, 298.

¹⁶ P. 394.

¹⁷ P. 390.

¹⁸ *Report on Conditions of Employment in the Iron and Steel Industry*, Vol. IV, p. 246.

protect the lives and health of workers, comprehends the benefits accruing to his own industrial undertaking through such a course."²⁰

Mr. W. L. Chandler says:

"When one considers the vast amount of money being spent annually by employers in an effort to promote welfare work, it seems very important to direct those expenditures along the most efficient channels. . . .

"At this writing, there are over thirty establishments known to be seriously considering the introduction of benefit funds among their employees. Undoubtedly there are many more in addition to over 300 establishments which have expressed more than ordinary interest in learning of the experience of others."²¹

Mr. Alexander, of the General Electric Company, writes:

"The officials of the General Electric Company at West Lynn, Mass., some eight years considered the establishment of a mutual benefit association. Such an organization, they believed, would, if properly constituted and managed, result in physical and moral benefit not only to the employees, but to the company as well."²²

Mr. Cheney, a Connecticut silk manufacturer, writes:

"In the case of sickness, four considerations induced the company's contribution to the sick benefit fund. First, it was an extension of the company's past system of relief to individuals and tubercular patients, so that it was not entirely dependent upon charity but was an encouragement to the efficient and provident employee who was willing to make the sacrifice to secure the additional benefits guaranteed. Secondly, it covered whatever slight occupational disease or unsanitary conditions might be connected with the industry which its members were powerless to protect themselves against. Third, illness, as well as injury, occasions a large economic waste to the company as well as to the employees on account of lost time, idle machinery, and ineffective work. It is to the direct interest of the company as well as the individual to bring about a reestablishment of health, and consequently efficiency, by supplying the best conditions possible for recovery. In furthering these ends much could also be accomplished by scientifically helping the employees to protect themselves from the depredations of cheap assessment plans which deprive them of the assistance which they supposed they had purchased, when they most needed it in their old age."²³

IMPORTANT AMERICAN CONSIDERATIONS

This short review of the American conditions emphasizes several important considerations: First, that compulsory sickness and burial

²⁰ *National Cash Register Weekly*, September 19, 1913.

²¹ *Dodge Idea*, April, 1913.

²² Schwedtman and Emery, *Accident Prevention and Relief*, p. 415.

²³ *Ibid.*, p. 411.

insurance is a well known fact in the United States; second, that employers, the public, and the state are all contributing very largely towards the care of sickness among workmen; and third, that sickness insurance and sick care as now practiced can never be health insurance. In only a few of the insurance carriers is any attempt made to care for the sickness of the injured person. The benefits are paid to him in cash and are usually not paid as long as he can work, so that the important element of prompt attention to small beginnings of illness is not gained. The enormous benefit which would accrue from the organization of these different interests so that their combined forces can be brought to bear upon the general problems of sickness, on the spread of information, on the enforcement and improvement of legislation, is entirely dissipated. No great improvement in the organization of medical relief seems possible under present conditions. Perhaps a very careful study of the fraternal field will show some possibilities there and it may be that by the improvement of union and establishment funds much can be effected. A combination on a large scale between these different carriers looking to the eradication and cure of disease, as well as to the alleviation of financial suffering, is impossible.

A service can be done in this field by the Commission on Industrial Relations. Establishment and railroad funds present an interesting phase of combination between employer and employee for the betterment of the condition of the employee. They also are the cause of much dissatisfaction, which sometimes, as in the case of the Colorado coal miners, comes to open expression, but which will be found, I venture to say, in almost all of the hospital funds in which no account is given by the employer of his stewardship. This is too near to taxation without representation not to be resented.

Another interesting aspect of the situation is that the interest of the employer in these funds has very frequently been sharpened by the fact that they might afford an easy way out of his liability for accidents by a release before the allowance of benefits. The new workmen's compensation laws, by making definite the duties of the employer and by making him financially responsible for the whole expense of the care of the injured employee, may notably change his point of view. What will be the effect of federal and state compensation laws upon hospital funds in which no account is rendered and where both accidents and sickness are treated in the

same hospital by the same person? Not only would a study of this question be of the greatest possible importance to drafters of sickness insurance laws, but the commission might find out that federal legislation compelling a reorganization of railroad hospital funds on a mutual basis would be a very important outgrowth of its labors.

NECESSITY OF COMPULSION

Compulsion is necessary in order to bring into and keep in the insurance fund all the people who should be benefited. Agreement upon this point is complete. The evidence which is given by the cost of soliciting and collecting in commercial sick insurance and industrial insurance is convincing. The lapse ratio of the great companies is another eloquent witness.²³ Another interesting bit of evidence is the Massachusetts experience with savings bank life insurance. After four years' operation, with four banks writing the insurance, a very large number of agencies, including 200 unpaid agencies in mills and factories and an imposing list of cooperators, the savings bank insurance had only 6,652 policies in an industrial population of over 600,000.

The first report on the English national insurance act contains the pregnant statement that a very large number of the deposit contributors, that is, the persons who were not in any insurance organization, were able-bodied healthy persons who evidently considered that the risk of being sick was so slight that they did not have to bother with insurance.²⁴

Compulsory insurance is also necessary in order to avoid the great cost of collecting and soliciting. It is true that this cost is very small in fraternal insurance, but fraternal insurance has never been able in this country to take care of any very large percentage of the less well paid working people.

RESPONSIBILITY OF THE STATE

If insurance be made compulsory, the responsibility is upon the state, which compels people to insure, to organize the insurance so that it will render the necessary service, to secure a fair share in

²³ S. E. Forman, *Bulletin of the United States Bureau of Labor*, No. 67, p. 794.

²⁴ *Report on the Administration of the National Insurance Act, Part I, 1912-1913*, p. 161.

its management to the contributors, and to assure the beneficiaries an efficient and economical operation. State insurance, however, should not be adopted except as a last resort. Not only are there political objections, but the very valuable by-products so much emphasized in German experience, a mutual understanding between employer and employee, training in public work, effective dissemination of information as to conditions affecting health and sanitation, should not be sacrificed. These ends will be met by the adoption of a mutual system not under state control, but under a certain degree of state oversight. The carrier must be large enough to insure stability and solvency and there must be a local organization to administer the medical benefit and to carry on efficiently the educational and preventive work of the insurance. The present tendency toward self-government, and convenience of operation, also favor the creation of local societies. This is also the teaching of European experience. The local society is the unit in Germany and Norway and that it is not adopted in England was the result of the peculiar situation of the great friendly societies.

In a book which was prefaced by Lloyd George, Mr. L. C. Money, the author, says of English conditions:

"The State Health Insurance system works through existing voluntary thrift institutions, and permits new voluntary institutions to be formed to carry out its provisions. No other course could have been adopted. If we can imagine for a moment the field of action cleared of all existing Friendly Societies, legislation for Health Insurance would have been exceedingly simple, and a lucid and logical system of local organizations could have been formed to carry out its beneficent provisions. We can imagine the whole working population naturally grouped in Local Sick Funds, democratically governed, and including in their scope all the workers under a certain income limit, irrespective of age, occupation, or health. A bill to create such a system would be a comparatively simple piece of legislation. It would be much briefer than the National Insurance Act, and infinitely less complex than the German Insurance laws, which are complicated because they are the result of a generation of original and progressive experiment, in which institution has been built upon or added to institution, with consequent overlapping of functions."²⁸

In smaller communities, only one such society would be possible; but in larger cities it may be more effective to divide along trade lines with a joint committee for education, prevention, and the administration of the medical benefit. Such an organization would

²⁸ *Insurance versus Poverty*, p. 118.

automatically take care of the serious problem of rates in various industries. Leipzig's experience proves the great variation of sickness in different occupations. In the cement and lime trades, for instance, for each 100 employees there were 65.8 cases of sickness in one year, while among hotel and restaurant employees there were but 32.5, about one-half as many. Sick days per person per annum in cement and lime trades were 13.6 and in hotels 8.8. In a local fund, composed of many trades, the board of directors must be so constituted as to represent different trades, and its decisions as to rates should be subject to appeal to a state supervisory commission. An advantage of the single local fund is that many large employers have men of different trades in the same plant, so that it would be more convenient to have all dealings with one fund. The Leipzig fund, with nearly 200,000 members in various trades, proves the practical possibility of a single organization in a large city. The Berlin and Vienna organizations along trade lines are examples of the other plan.

A place should be made for independent establishment funds, but only when the employees affected have, by secret ballot, approved the separate fund and then only on condition that its control be in the hands of both employer and workman and that the employer guarantee any deficiency. No establishment fund should be permitted with less than a minimum of, say, fifty or 100 members and the state supervisory commission should hear the local fund affected and should refuse authorization if the withdrawal of so many insured would weaken unduly the local fund. On application of the proper local fund, the commissioners should have power to compel the organization of a special establishment fund where the work employs a large number of persons brought temporarily into the district, or is peculiarly liable to cause sickness. The first case would cover seasonal employment, such as fruit canning, or construction contracts.

MANAGEMENT OF LOCAL FUNDS

The management of the local fund should be in the hands of employer and employee. In small funds, the general assembly should be formed of the whole number of employers and employees. In large funds, the employers and employees, voting each in his own class, should elect representatives to the general assembly, the

composition of which should take into consideration trade and geographical divisions of the district. Employer's votes should be in proportion to the number of their employees, but no one employer should have a majority. The employees should have seven-twelfths of the members of the assembly, where it is elective, and the employers five-twelfths, and the same voting proportion should obtain in small funds, where all have a right to be present. The assembly should adopt a charter, and alone should have power to amend it. It should elect a board of directors, divided in the above proportion between employers and employees, each class voting for its own directors. The board should be the managing organ of the fund, should make regulations, hear appeals from decisions of administrative officers, represent the fund in court or before the state commission, and appoint all officials and fix their salaries. The board should fix rates for each industry and should take into consideration in rating a particular establishment any special factor which entitles it to a lower, or justifies a higher, rate than normal. Either general or special rates should be open to contest before the state supervisory commission, which should also determine whether the income on the rates as fixed will produce a sufficient sum to meet the cost of the minimum benefits provided in the law. If the board refuses to fix proper rates or delays its action unduly, the commission should itself fix and collect the rates.

General regulations made by the board should be laid before the assembly for discussion and should be referred back to the board of directors by a majority of the assembly. The assembly should have power at any time to advise the directors or request them to frame regulations to meet a situation which may have arisen.

Payment of contributions should be made by employers, who may deduct from wages the share of the employees. Payments by the state or municipality should be made yearly on the basis of the past year's expense.

The board of directors should provide for the collection of the contributions and be empowered to take summary action to recover them. Unpaid contributions should be a lien upon the property of the employer and a preferred claim in the event of his insolvency. The accounts should be annually submitted by the board of directors to the assembly for their approval and also to the state supervisory commission.

The expense should be borne six-twelfths by the employee, four-twelfths by the employer, and two-twelfths by the state and municipality. No accurate figures can be given as to what this cost will be. In fact, the German figures show such changes in a few years that figures made to-day will be of little value in five years. This variation is caused largely by the advance in preventive medicine and the increasing use by the insured of medical aid. The return must be found in the increased health of the working population and its consequent increased productiveness. As Dr. Rubinow pointed out, this lack of statistics is not so serious as might appear. Sickness insurance should liquidate itself annually, so that if an error be made in the first estimate it can be corrected at the end of any year in which it may appear. American railroad funds which pay large burial benefits operate now on this basis; their expense equals their income.

There will be no need for a large reserve since this insurance is to be compulsory. Here, again, it is worth noting that the total reserve of the Pennsylvania Railroad fund is less than one-half of its annual outgo, and that the German and Norwegian laws provide for a reserve fund which shall be equal to one year's estimated expense. To provide for great disasters and epidemics, it might be well to adopt the Norwegian plan of a state guarantee fund, which would be under the control of the state supervisory commission and which could be drawn upon to meet any great disaster. Such a fund might serve as a basis for an anti-tuberculosis fund or a fund to meet other great plagues. In the operation of the plan, it may be advisable to increase this fund by payments from local funds to meet the burial benefit. Such a course will avoid the difficulty of accounting between funds for this benefit in cases where the insured has belonged to several funds during his lifetime.

COST OF THE INSURANCE

The question of the cost of insurance must, therefore, be met from three angles: (1) from the point of view of the employers, who will be called upon to pay a very considerable sum and should have some reasonable assurance that it will not seriously hamper their business; (2) from the point of view of the workingmen, that it shall not put too heavy a burden on them; and (3) from the point of view of the state, that the added cost to the taxpayers shall result

in a benefit to the whole body of the state and not only to the employing and employed classes. Exact figures are not available, but I have assumed that the insurance would cost $4\frac{1}{2}$ per cent of the actual wages, which is in excess of the German experience, and have made a rough estimate of the cost of the insurance in manufacture. By the Thirteenth Census there were in New York 1,000,000 industrial wage-earners receiving, roughly, \$551,557,000, producing a product valued at \$3,369,000,000, in which there was a value added by manufacture of \$1,513,000,000. Four and one-half per cent of the wages would be about \$25,000,000 which translated into terms of value of product is about seven-tenths of 1 per cent. The manufacturers' share of this would be less than half, so that allowing liberally for an underestimate we can safely say that he would not have to pay one-half of 1 per cent on the value of the product. This percentage holds true of the United States as a whole.²⁶ I quote from the speech of Herr Schmidt, president of the German Tobacco Manufacturers' Association at the annual meeting of that association in 1907, to show the German view on this point:

"To-day, however, these contributions, which occur every year, are booked either to the general expenses account or the wages account—for they are, in fact, a part of wages—, and they are naturally calculated as part of the cost of production, and eventually appear in the price of the goods, though perhaps not to the full extent in times of bad trade. In any event, it is certain that it is hardly possible to speak of these insurance contributions as constituting any special burden on industry, for if you regard the sum so paid, not as a percentage of wages, but of the year's turnover, it does not exceed one-half per cent, so that in calculating the cost of goods that is the extent of the expense to be allowed for. That is so small a sum that it is neither right nor just to make a noise about it and pretend that we can no longer pay it if our workpeople are to have increased benefits by new insurance legislation. Speaking honestly, as one employer to another, I am of opinion that the investment in these insurance contributions is not a bad one."

It is probable that merchants will show even a lower percentage of their annual turnover. Part of the contribution of the employer will be covered by the sums which he is already spending in sick-relief and in the payment of wages or salaries to invalid employees. The cost to the employee is a very considerable sum. We can probably estimate that the figure of \$25,000,000, based on the 1910 Census, should be increased in 1913 to not over \$30,000,000, but the

²⁶ *Abstract of the Thirteenth Census*, p. 514.

percentage of the value of the product will not, of course, be affected.

These figures would mean that the industrial employees must pay \$15,000,000 a year for this insurance, a startlingly large figure, but what are sickness and burials now costing them? The United States Bureau of Labor estimates that New York working-class families with an average income of \$827 spent on sickness in 1903 an average of \$31.43.²⁷ These figures, allowing for a far lower average of family income, would appear to justify the conclusion that the industrial wage-earners paid at least \$10,000,000 in 1913 for this purpose. This sum does not include a very large amount which goes for different forms of sickness dues or for industrial insurance. The insurance commissioner of New York reports that in 1913 the industrial insurance premiums amounted to \$26,680,000 and the losses to \$10,030,000. Of course the industrial wage-earners did not pay all of this huge sum, but a large part of it is undoubtedly from their earnings.

The fact that a very large part of the \$16,000,000 balance was put to the reserve of the companies does not weaken my statement, which is directed only to the question of the paying power of wage-earners judged by the actual sums expended by them for burial and sickness.

I do not mean to criticise the operation or purpose of the industrial insurance companies. Indeed, in view of the way in which their business is necessarily procured, including the enormous cost of agents and collectors, these ratios probably represent the lowest cost of commercial burial insurance to the poor under the voluntary system. It cannot be argued that this industrial insurance is largely a provision against want in the family after the death of the wage-earner. Dr. Chapin, Mrs. More and Mr. Reynolds are all emphatic in their statements that in New York City the money is nearly all spent on funerals. Mr. Forman says the same of the city of Washington.²⁸ Professor Henderson quotes President Hegerman to the effect that in 86 per cent of cases investigated, the expense of last sickness and burial used up all the insurance.²⁹

Doctor Chapin, in his study of the *Standard of Living in New*

²⁷ *Eighteenth Annual Report of the Commissioner of Labor*, 1903, p. 509.

²⁸ *Bulletin of the United States Bureau of Labor*, No. 64, p. 614.

²⁹ *Industrial Insurance in the United States*, p. 162.

York City, estimates that 2 per cent of all family incomes from \$600 to \$1,100 is spent on insurance "more properly described as burial insurance than life insurance,"³⁰ and about another 2 per cent on health,³¹ so that 4 per cent of the income of these families is at present spent on objects which will be covered by the plan of sickness insurance proposed. Mrs. More estimates that an average workingman's family with an income of \$850 a year will spend on sickness and insurance about \$47 a year, and that "the insurance is almost invariably spent on the funeral."³² She also estimates that 200 families of various incomes studied show an average of \$17 a year for medical attendance.³³ It would seem clear that the employee's contribution under the proposed plan of insurance will not increase his burden.

The state and the municipalities are taking care of sickness in a large number of workingmen's families through the hospitals and dispensaries. Both Mrs. More and Dr. Chapin agree that the poorer classes of wage-earners in New York City depend, when sick, very largely on hospitals and dispensaries, and I am informed that the use of these institutions is increasing among the better classes of workingmen, a result very greatly to be approved by those who are familiar with the character of the work done in these institutions. If, however, so many of the patients in hospitals and dispensaries are working people, the sickness insurance would help cover the cost of the present up-keep of these institutions. What it would do towards lessening the great increase in that cost in the future, is very apparent. In view of the large amount of destitution caused by sickness and the consequent appeals upon public and private charity, it is very evident that a great number of the persons who would otherwise be compelled to ask for private or public charity will be taken care of under the sick insurance, and that there will consequently be either a decrease in the amount of money necessary for charitable purposes or an increase in the quality of the care given to those who are forced to apply.

Another great gain by the state will be the enormous increase in the efficiency of factory, tenement and health inspectors through

³⁰ P. 191.

³¹ P. 70.

³² *Annals of the American Academy of Political and Social Science*, 1913, *Cost of Living*, p. 109.

³³ *Wage-Earners' Budgets*, p. 95.

cooperation with the officials of the insurance funds, whose interest in the reduction of the cost of sickness is so direct and who are in such close touch with the persons who know the facts in regard to the failure or unenforcement of sanitary laws. The great force of public opinion which publicity and the skilled investigation of the sickness insurance funds will arouse in favor of an improvement in health legislation and in favor of a strict enforcement of those laws will be an enormous help. Here again we have only to call upon the experience of the Germans and the expectation of the English. The Metropolitan Life Insurance Company has shown what can be hoped for in this connection, not only in the enforcement, but also in the improvement of sanitary legislation.

THE MEDICAL PROFESSION

Perhaps the most difficult part of sickness insurance is the management of the medical profession. Until careful studies have been made of various experiments in this field, and of domestic conditions, no final plan should be adopted. A few points are clear. Choice of physicians is almost universally demanded by both physician and patient. On the other hand, free choice without control of physician or of fees is impossible in the interest of the financial standing of the funds and the proper administration of the benefit. The device of a panel with fixed fees to which any licensed physician of, say, two years' standing, may belong, is suggested as in accord with the best European experience. Physicians, however, object to having the fixing of fees and the discipline of panel doctors entirely in the hands of the fund or of a body of laymen. To meet this just objection, there should be in each district a medical board composed of licensed physicians. In large cities, one-third of this board should be chosen by the faculties of the medical schools or by the staffs of hospitals admitting insured persons as patients. While the fixing of the fees should remain with the board of directors or with a special court composed of one director, one member of the medical board and one member of the state supervisory commission, the medical board should always be heard by the board of directors on any question affecting the medical service or fees, and charges brought against a panel physician should be referred to them for investigation and report before action is taken. This medical board is of very great importance in the

operation of the law. The serious evil of malingering, as far as it is the result of carelessness or complaisance on the part of doctors or of deceptive neurasthenia on the part of the patient, can only be satisfactorily combatted by doctors, in the first case through the discipline of the profession, in the second as a result of careful study of what is to-day, without insurance, a very serious menace in our nervous modern society. By keeping watch of the monthly accounts sent in by physicians, by providing that medical officers of the fund shall visit each patient who is too frequently ill, or is ill for over two weeks, and by watching the treatment and number of visits made by panel doctors whose accounts seem over-large, a fruitful source of malingering and waste may be eliminated. Direct fraud can be met by the institution of visiting nurses and lay visitors who make regular calls on the invalids and by voluntary visitors organized under leaders, after the Leipzig plan.

"It is, however, maintained in Germany by employers, by managers of societies and by workmen generally, that simulation is less frequently successful and the cost lower in a large society. Because of their limited funds, the small societies cannot employ paid inspectors to hunt down simulation. On the other hand, a large communal or local society, covering an entire city or district, can employ competent men to attend to this important matter. These paid inspectors soon become the friends of the families whom they visit and aid greatly in reducing the number and seriousness of illnesses by disseminating valuable information with regard to prevention, care and methods of treatment."²⁴

There were reported in 1912 to the three confidential physicians of the Leipzig fund 12,315 cases for the determination of inability to work. Of these cases, only 2,855 were found unable to work. Nearly 2,500 did not even appear for examination.

A similar panel may be used by druggists, but the fund should have the right to purchase for itself in quantity the most frequently called for medicines, wines and other supplies. If this power be held in reserve, very satisfactory arrangements can probably be made with existing drug stores. In connection with this side of the act, Dr. Rubinow cites²⁵ a report from the American consul at Birmingham that "As a result of the [sickness insurance] act, the sale of patent medicine has been reduced one-third." Hospital care can only be given in hospitals with which the fund has a contract.

²⁴ Frankel and Dawson, *Workingmen's Insurance in Europe*, p. 238.

²⁵ *Social Insurance*, p. 263.

The fund should not itself build hospitals when it can make satisfactory arrangements with existing hospitals. In mining and railroad industries in the United States it has been found necessary in some instances to build hospitals, but usually not.

STATE SUPERVISORY COMMISSION

The state supervisory commission should be composed of five members, three appointed by the governor, one to be a practicing physician. The other two should be elected by and from the employer and employee directors of the various sick funds in the state. The governor's appointees should give their whole time and be salaried. The others should receive a per diem compensation. To fill each of the elective places three should be elected annually, to serve in turn, so that the office may not be too burdensome and that as many citizens of the two classes interested as is practical may take part in the work of the commission. Only the governor's appointees should pass on the accounts of the funds and apportion the state subsidy and that of the municipality, or sit in medical courts of inquiry. Experience may show the necessity for a local commission to hear appeals from the decisions of the board of directors as to rates, as to wage classes, as to regulations and as to individual cases. If so, the local commissioners should be appointed by the state commission. The expenses of commissions should be paid by the state.

SCOPE OF BENEFITS

The benefits of the insurance should include care of sickness from the first day, care of non-industrial accidents, and it may be questioned whether, with an increased proportion for employers, even industrial accidents should not be included. This care should include medicines and such surgical appliances and special food as are necessary. Eventually, simple dental service, tooth extraction and filling should be rendered. German funds have gone so far. A very interesting contribution to the literature on the importance of this care is Mr. Cadbury's statement in regard to the welfare work of the Cadbury cocoa works in England. A wide use of nurses in the home should be made and will, undoubtedly, be an economy in preventive work.

Sick care must be limited as to time. The care of chronic invalids and invalidity is a separate branch of insurance with its own

set of problems. The period of sick care should not be less than thirteen weeks and should be expressed in the charter of each fund. This period is adopted as a minimum in a very large part of the existing funds. The foreign laws usually give a longer period. The funds should be permitted to extend benefits by action of a majority of the assembly, where such action does not necessitate a raise in rates. Rates should only be raised, however, to provide more benefits, with the consent of a majority of both employer and employee members and the approval of the state commission.

Where the doctor in charge certifies that it is necessary, the patient must consent to be moved to a hospital for treatment. Such necessity may exist because the patient cannot be cared for properly at home either from the nature of the disease or the character of the home, or because of a suspicion of malingering or persistent disobedience to regulations. A patient refusing hospital care should not be entitled to any benefits. The rules of the fund must specify conditions of hospitalization. A fund physician should have power to order hospitalization if necessary in the interest of the patient or of the fund.

The fund should provide weekly sick pay of not less than 50 per cent of the weekly earnings of the invalid, beginning after the first week and during inability to earn, but not over the limit fixed in the charter, which, as stated above, should not be less than thirteen weeks. For this purpose and for the purpose of estimating wages, the insured should be divided into classes, thus avoiding enormous difficulty and frequent dispute as to the exact earnings of each insured. Division into classes is usual in Europe and is the regular rule on American railroads paying sick benefits. While insured persons are in hospitals, their whole sick pay, if only 50 per cent of their wages, should go to their families.

MATERNITY INSURANCE

Maternity insurance must finally be made a part of sick insurance. The incidents of child-birth and of sickness are much the same. Even if sickness does not accompany or follow child-birth, the same machinery of doctors, nurses, medicines, etc., is needed in both cases and the interest of society is perhaps even more deeply involved in child-birth than in sickness. It is partly to provide for the payment of this benefit that the public contribution is made.

The employer is in fact made to pay part by the German system and no point of his being freed was made in England, but the interest of the public is clear and the public should bear its share of this burden. The benefit should consist in medical care at the time of the delivery and for a proper time before and after, as well as all medicine needed. In the case of women contributors, the regular sick pay should be granted, but the wives of insured men should have the medical aid only.

Every sickness and every accident should be given medical aid. The usual exceptions found even in mutual societies—venereal diseases, and disease arising from use of alcohol or from reckless exposure—are not to be approved, first, because such exceptions are certain to cause much confusion, and second, because it is just such diseases which, if not properly treated at the start, cause the greatest loss to individuals and to society.

BURIAL BENEFIT

The burial benefit should vary with the wage class. It should not be over thirty times the basic day wage of the class to which the deceased belonged.

Eventually, all workmen and all employees receiving less than a fixed amount should be insured, and opportunity should be given to persons with an income under a fixed figure to enter insurance voluntarily, and for persons once in insurance to continue either all benefits or the death benefit. Employers of voluntarily insured persons should not pay any share of the contributions, which should be borne by the insured, but should be required, if requested by the insured, to pay his contribution and deduct it from his wages.

DIFFICULTIES TO BE MET

Difficulties will arise in such cases as those of out-workers in home industries, casuals, and the class represented by dock laborers (in regard to whom several interesting solutions are being tried in England), but these difficulties have all been met abroad and we cannot admit that problems which have been solved by Europeans will baffle American ingenuity. The great mobility of our working population presents questions which are especially difficult in regard to burial benefits. The report of the Commissioner of Labor shows "a change of practically one-third in the individual membership" of the shop funds studied, but how large a proportion of the

actual working population of the locality was involved in this percentage and how many changed from one mill to another without leaving the locality, does not appear. It is probable that a large number of these wanderers are foreigners who will return home after a few years in America and who will not, therefore, receive a death benefit.

Unemployment is another troublesome factor. Sick insurance is primarily for those at work, who pay the premiums regularly and for whom their employers pay regularly, but participation in its benefits cannot be shut off as soon as an individual leaves an employment. The figures on mobility show too clearly how large a proportion of workmen would be affected. Yet it is equally impossible to continue the protection indefinitely. A final settlement of this difficulty must await the solution of the problem of unemployment, which shares with sickness the leading place among the causes of poverty. A middle ground must be taken and protection assured for a limited period, with the right of the workman to continue his insurance on payment of his share of the contribution for a further period, after which he must become a regular voluntary contributor.

If the installation of such a system over the whole industrial life of the state appears too vast a problem, it may be limited to certain occupations. Peculiarly well fitted as an entering wedge is the mining industry. As long ago as 1901 Mr. John Mitchell, speaking before the Industrial Commission, said:

"I think, too, that a plan whereby a portion of the profits of the mine owners, and a portion, a percent of the earnings of the miners, should be set aside and established as a sick benefit fund, would be a good thing."⁶⁸

Mining, especially coal mining, is bound to certain localities. The product is a necessity of life. The employers are usually operators on a large scale with a heavy investment in property and plant. There is little cause to fear instability of the fund. Both operators and miners are accustomed to cooperation on questions of wage scales and work conditions; both expect to remain in the business; miners may change from one mine to another, but appear to remain miners, and the evidence before the Industrial and the Immigration Commissions would show that the men are accustomed very widely to sick fund deductions from their wages and to treatment from

⁶⁸ *Report of the Industrial Commission, 1901, Vol. XII, p. 50.*

such a fund. Here is another field for the Industrial Commission which promises quick and rich results in the way of suggestions for the betterment of relations of employer and workmen.

At least one local mutual sick fund exists in the United States. In the city of Flint, Michigan, there was organized in 1901 the Flint Vehicle Factories Mutual Benefit Association among the employees of different factories, not all vehicle factories, by the way.²⁷ Though managed by the employees, the association would appear to be warmly encouraged by the employers. The owners of the factories, whose employees are eligible to membership in the association, have a manufacturers' association which grants a limited invalidity insurance to members of the mutual benefit association only. The advantages of the district form of association are evident. Right to benefits is not dependent on employment in one factory, but extends to all factories in the district. Here, again, is a condition which merits careful study by the Industrial Commission. Does the existence of such a local organization affect the objection to employer's welfare work that the hoped for benefit ties a man too closely to his job, or does it make for better relations between employer and employee?

SICKNESS INSURANCE A PROBLEM OF ORGANIZATION

In conclusion, sickness and burial insurance is already an accomplished fact in the United States, but is insufficient in amount and wrong in its method and purpose. It does not even attempt to be health insurance. Compulsory or near compulsory sickness insurance is well known by the workman; contribution of employers is already accepted in principle; cooperation of employer and employee is established and is growing. The question of sickness insurance is, therefore, a problem of organization of existing forces and making use of existing resources and of admitted principles rather than the introduction of a dangerous novelty.

²⁷ *Dodge Idea*, December, 1913.

SICKNESS BENEFIT FUNDS AMONG INDUSTRIAL WORKERS

W. L. CHANDLER

Dodge Manufacturing Company, Mishawaka, Indiana.

In this paper I hope to disclose some of the weak and some of the strong points of the system of benefit associations for industrial workers, and to indicate some of the remedies which to me seem desirable as partial means of increasing the effectiveness of this admirable type of association. The data covers not only various types of manufacturing establishments, but street railways, hotels, quarries, mines, retail stores, telephone, steamship, teaming and express companies as well.

There seem to be relatively few benefit associations older than forty years, while during the ten year census periods since 1871 the number has gradually increased. In seeking information prior to getting in touch with the Commissioner of Labor, inquiries were sent to about 500 prominent manufacturing establishments. About 200 replied that they had no such fund, but would appreciate learning the result of our research. One hundred and ten replied to our questions, leaving about 200 who did not reply at all.

This result is somewhat disappointing, as it indicates that only about 25 per cent of the establishments consulted are enjoying the benefits of such funds. An encouraging feature, however, is the fact that 40 per cent were anxious to join the movement, and other corporations have since shown considerable interest in the subject. It indicates that the time is ripe at least to treble the effectiveness of the benefit fund idea by proper encouragement.

One important point in connection with welfare and service work is the viewpoint of the employer. Some may conduct their service work with a view to sewing up the employees so that they cannot strike or quit without great sacrifice of pensions or other benefits; others see in it a chance for free publicity; some look upon it as charity—a viewpoint very distasteful to self-respecting workmen.

Occasionally some one advances the idea that it is a service that is due the workers, but I believe the viewpoint of self-interest will appeal most successfully to both capital and labor.

Let me paint two pictures showing two extremes: Here is an old shop, damp, poorly lighted and ventilated, with inadequate toilet facilities, with its workmen forced through circumstances to live in homes that depress them or even cause sickness; no care is exercised to examine new employees, thus allowing tuberculosis, syphilis, and other diseases to be brought in and spread among the workmen. Employees in this shop cannot work to the best advantage. Who loses when they are sick? Both capital and labor as well as society in general suffer the loss.

The other shop is the one toward which self-interest leads us. It is light, dry, well-heated and ventilated; it has sanitary toilet facilities, free baths, pleasant surroundings and happy homes, all of which tend constantly toward happiness and cheerfulness. Care is exercised that any cases of contagious disease do not endanger the lives and happiness of other employees. Free medical, dental, and aurist service is furnished to the worker and his dependents, as well as a visiting nurse to assist the wife in keeping the family up to concert pitch, together with such other facilities as may be needed to overcome local conditions, such as corporation schools, libraries, gardens, play grounds, and the like.

Workmen living under such conditions should be working up to the highest degree of physical efficiency, earning more for themselves and for the establishment. Neither capital nor labor should hold back through desire to monopolize the possible benefits.

Considerable effort is usually necessary to have both sides see their real individual self-interest in this work, but it always should be tactfully kept near the surface in order that best results may be secured.

Benefit funds help to defeat the "loan shark," as very often it is sickness which throws a family into the clutches of these parasites; and through an energetic nurse or secretary a superintendent or executive may keep in touch with his people and learn of those little grievances which, if not properly taken care of, rankle in the heart and pave the way for serious differences later. This information can and must be secured without spying or violating confidences.

According to the report of the United States Commissioner of

Labor 20 per cent of the 461 funds provide some form of free medical service, but costs and other details are not given. In the cases disclosed by personal search, some gave free consultation while others even supplied the necessary medicines.

Knowing the general tendency to discount free advice and to fail to have prescriptions filled, I believe that free medicine as well as consultation, with a follow-up system to make sure that instructions are followed, is a very necessary precaution.

Aside from malingering, there may be some disposition to impose upon the free medical service; but if the people are kept well the imposition cannot amount to much if physician, nurse and secretary are dependable. Detecting disease in its early stages should save the fund enough in sick and death benefits to go a long way toward compensating for the cost of free medical service, and the saving to the corporation in having a full crew of well people should nearly or wholly compensate for the balance.

The plan which some establishments are trying of having a corporation physician to examine the employees is a splendid aid to the fund by detecting many cases needing treatment before they become critical or chronic, thus reducing the cost of treatment as well as reducing the length of time off. Cooperation along these lines between fund and corporations would produce splendid results in economy.

The average disability per member of all funds was 4.7 days. Presumably this covered most of the cases of sickness resulting finally in death; and I believe that if we assume \$2 as a loading or increase in dues for all members for medical service, and add a little for safety until the fund has had sufficient experience to settle definitely on a more proper loading, we should not go very far wrong.

Medical service must be constructive and not conducted in a way to lose the confidence of the members. In fact, the entire fund proposition must be handled from the standpoint of salesmanship. The psychological steps for both capital and labor are the same as those involved in the sale of anything the purchase of which must precede the actual need. A fund must have its selling points, the same as any insurance policy or article of merchandise. The variety and amount of benefits, as well as the duration of temporary benefits, furnish splendid talking points. For instance, the average temporary disability in all funds was only 22.2 days while the

predominating limit of benefit was thirteen weeks; therefore, liberality in setting the limit does not represent probable expense in proportion to the number of weeks involved. A small additional loading of dues will permit a large extension of the time limit, which is attractive to prospective members.

An average death benefit of \$210 cost the funds \$1.45 per member for the year; and as this figure is based on funds having 318,892 members, it ought to be more or less trustworthy.

An average taken in funds covering a total of 65,889 members disclosed the fact that about \$50 benefit for the death of a member's wife cost twenty-five cents per year per member. Funds with 44,381 members pay benefits for death of other dependents ranging from about \$10 for a still-born child to \$25 for an eighteen-year old child; \$50 for a father, mother, brother or sister, and \$100 for a daughter in charge of the household of a widowed member, at an average cost of twenty-eight cents per member.

Statistics covering 350,000 members show that benefits for temporary disability cost the funds an average of \$3.42 per member. These benefits range from twelve cents to \$14 per day, but \$1 was the predominating amount, and thirteen weeks the most popular time limit.

Taking into account 461 funds, the members contributed an average of \$5.72 and the establishments \$1.81 per member. Additional revenue was earned by many funds through entertainments, investments, candy booths, etc.; and in an answer to a query of the Commissioner of Labor, only 1.7 per cent admitted having suffered financial straits of any kind, and these were due to epidemics and the like. One fund doubled dues temporarily, while others borrowed or sought donations. The average death rate was 6.7 per thousand members, being less than the general death rate of the country as a whole, because only able-bodied men or women are able to gain or retain positions in establishments.

Various benefits for permanent disabilities due to loss of fingers, eyes, hands, feet, etc. may apparently be added for a cost of forty-eight cents per member per year. Of the members of funds providing for permanent disability benefits, only one-quarter of 1 per cent received such benefits in one year.

These benefits are found in only 12 per cent of the funds, and cover accidents in only two-thirds of those.

It would appear that by loading the dues of all members with ten cents per month, a fund except in hazardous occupations should give benefits for permanent disability and death of wife or other dependents with a factor of safety of 20 per cent.

Theoretically, at least, \$1 per month dues should permit the following benefits for sickness or accidents:

Free medical service.

\$1 per day for temporary disability for thirteen weeks.

\$75 for loss of a hand, foot, or eye.

\$200 death benefit.

\$50 benefit for death of wife.

\$25 benefit for death of other dependents.

While this is a crude estimate, the dues are about 50 per cent above the average figure for all funds, and the estimate seems to be fairly conservative.

It should be possible to remit the dues for a month occasionally.

Proportionate dues and benefits for other classes of membership could be figured, and I am convinced the members would not be hard to secure if proper sales-methods were adopted just as for any other form of protection.

The effectiveness of the salesmanship used is reflected in the percentage of membership to number of eligible employees. These percentages of efficiency vary from 2½ per cent in one case to 100 per cent in others. The membership in all funds averages about 48 per cent. It is interesting to note that where funds were managed exclusively by employees only 30 per cent were enrolled; where the establishments and employees managed jointly, 66 per cent were enrolled, and where the management rested exclusively with the establishment, 75 per cent were enrolled.

One feature all funds have to contend against is the changing of employees. Practically one-third of the 342,000 members changed during the year, due in 92 per cent of the cases to employees' leaving the establishments. With this condition to cope with, the fact that the employees working alone sold insurance to but 30 per cent of the employees as against 75 per cent sold by the establishments, shows the need of a helping hand familiar with the sales viewpoint.

Fifteen per cent of the establishments have more or less compulsory membership provisions, and yet about one-quarter of these funds were managed by employees alone, and one-half jointly,

showing strong cooperation of these establishments with the funds.

I believe the psychological effect is bad where establishments exert the pressure necessary for compulsory membership. The effect upon the employees and upon those managing the fund is apt to be similar to that exerted by any other monopoly.

One great help in increasing membership is to have one or more enthusiastic men in action all the time, either in the background or preferably as secretary or treasurer, visiting the homes of the sick and otherwise getting close to members and their families. Often the corporations supply such men, bearing the cost themselves.

While it is desirable that the employees feel that they are free to dictate in the management, still there will be no complaints from members if the corporation man acting as, say, secretary or treasurer, is operating the fund in the interests of the members. They will soon determine whether he is "for 'em" or "agin 'em," and that is their principal concern in the matter. If the members feel they are getting their money's worth, they will be willing to help in securing new members.

Some funds allow old members to retain membership after leaving the establishment, but that plan seemingly has not been a great success, because such members often leave town or engage in more hazardous occupations, and are too hard to keep track of when drawing benefits, without an organization much more elaborate than most funds require for other kinds of members.

One harness factory with forty-five employees has a flourishing association with thirty-one members (69 per cent). Dues are twenty-five cents per month, but in one year were remitted for ten months. The association pays \$5 per week temporary disability benefit from the treasury, and covers death benefits by an assessment of \$1 per member. It receives no financial aid from the establishment. With such a showing it should be even better supported by the employees.

Ten establishments each with from fifty to 100 employees have funds averaging 83 per cent in membership. The average dues in these funds are less than fifty cents per month, and the benefits about \$1 per day. Death benefits range from \$50 to \$100.

Flint, Michigan, has a fund endorsed jointly by the manufacturers, covering the employees of nearly all the plants. This idea might well be adopted by other communities, especially for small shops.

Some funds have a low membership fee for a short period after employment begins. Instead of a plan of assessments, which to the members always seem to be working overtime, memberships may also be influenced mightily by collecting dues slightly in excess of actual needs, and remitting the dues at, say, Christmas time. The cost to the member is ultimately the same in either plan, and the dividends or remitted dues create enthusiasm that spreads rapidly, because members find their money went farther than they had expected it would.

Some establishments have succeeded in enrolling 95 per cent of their employees without resorting to compulsion. This has been accomplished by the corporation's offering to pay additional sick benefits of \$1 per week when the membership exceeds 80 per cent, and \$2 per week when 90 per cent is exceeded. Consequently every member becomes anxious to raise the fund membership in order to further his own interests in maintaining his protection at as high a point as possible. Imagine the impression made upon a new man coming into a shop where 95 per cent of the employees are after him to join the fund. He must be favorably impressed, to say the least. The best argument of all is that the plan works, and has been working successfully for several years in a few funds.

I believe that 90 per cent voluntary is far better than even 100 per cent compulsory membership.

The bonuses need not be the same as here quoted, but they should be so arranged that each member will feel vitally interested in them as his own, and not put into the treasury to be lost sight of.

In comparing these funds, I have been greatly impressed by the wide variations found in dues, benefits, etc. For example, dues for first-class memberships range from \$2.60 to \$36 per year, with benefits somewhat in proportion; temporary disability benefits run from nothing to \$25 per week, over periods of from five weeks to two years. Employees are eligible to become members all the way from at once to one year after employment. Waiting time after disability begins ranges from none to fourteen days; death benefits vary from nothing to \$2,000. Some funds provide death benefit for new members, and others require up to three years' membership. Some funds have but one class of members, and others have up to eight.

Funds in approximately equally hazardous industries receiving

about the same amount of revenue return to members different values in benefits, indicating a great need for actuarial guidance and showing the lack of the interchange of information and experience.

Another feature which might be worked out to advantage is the interchange of members from one fund to another.

From such observations as I have been able to make, it seems that compulsory sickness insurance is likely to be met in about the same spirit as was workmen's compensation. Some will oppose it strongly, others will feel that while they do not like it there is no use fighting a popular movement, while a majority will enthusiastically support it. Suitable provision should be made for the creation and maintenance of benefit funds in establishments and districts where several establishments are grouped into one fund. I would consider compulsory membership as a last resort to be used if voluntary memberships fail to result from the use of proper stimuli. While the easiest way to insure a full membership is to make it compulsory, there are reasons from a business standpoint why such a plan would embarrass the movement.

People are never enthusiastic over anything they are compelled to do. The management of the funds would drift into the hands of people who would be expected merely to take care of clerical details, and feeling that the members were compelled to retain membership, the directors and officers would be likely to provide indifferent treatment, and to carry things along with a high hand. Directors are very often inclined to lay down very rigid regulations unless restrained by some softening influence. This all leads to an indifferent membership, and to a high proportion of malingering troubles.

If the cost be distributed, as suggested by Mr. Chamberlain, in the proportion of 1 to 2 to 3 between the state, the employer and the employee, I suggest that the state subsidy be withheld at first, leaving the entire cost to be borne by employer and employee in the ratio of 2 to 3 as above; but necessarily both contributions must be 20 per cent greater to make up for the lack of state assistance.

When the average membership of an establishment fund, or any branch of a district fund, has been for one year 90 per cent of those eligible, the state subsidy should then be granted to cover such fund or branch of a fund for that year. In this case, the employer and employees will see that the fund is managed in a way to attract

new members and that proper talking points are provided, and they will all canvass for members to save in the cost of their insurance. With attractive selling points, and with every member an ardent salesman, the new members will come without sales expense, and all will feel a deep interest in the success of the fund, maintaining the necessary percentage thereafter.

The trouble from malingering would, I believe, be much less in a subsidized than in a compulsory fund. The men's mental attitude under the two systems would be different. In a compulsory fund malingering would appear in the same light as getting the best of the streetcar company, while in a subsidized fund it would be like cheating the baseball team.

Another subsidy might well be provided to encourage the maintenance of one or more visiting nurses, or to be awarded when a certain degree of effectiveness is reached, the whole idea being not only to establish the funds, but to surround them with the best incentives to guide them toward the greatest usefulness.

The desire for actuarial data which prompted this search, and the conditions disclosed, have led me to suggest to a few interested parties that a federation of benefit funds be organized to interchange ideas and data on some uniform plan. Apparently the idea may be worked out, and if so, the next five years should see great strides in benefit funds, as the employers and employees are all going through an evolutionary process which is paving the way for activity along these lines much the same as that of workmen's compensation and accident prevention.

TRADE UNION SICKNESS INSURANCE

JAMES M. LYNCH

New York State Commissioner of Labor.

My affiliation with the International Typographical Union began in 1887, and one of my earliest recollections concerns the troubles attendant upon the administration of the union's sick benefit fund, which was finally abolished because, as I can see now, the methods of administration employed were not correct. There was lack of precedent and experience on which to base sick benefit laws, and the abuses resulting because the funds were not properly guarded caused early death to a valuable feature of union policy.

For years, both as member and officer, I was opposed to trade union sick, out-of-work, and other relief measures, holding that they were outside the trade union field, which should be restricted to the regulation of hours, wages and working conditions. How far the leaven of progress has worked in my case may be gauged by the relief laws now on the books of the International Typographical Union, of which I was the executive officer for thirteen years; and nearly all of these features were added during my incumbency as president. I will refer to them specifically further on.

As I show in this paper, the officials of the great trade unions now recognize the value of benefit features as builders of unions, as conservators of the membership of these unions, entirely aside from their assistance to the members as safeguards against financial loss during physical adversity.

One of the most direct benefits which a trade unionist derives from membership in his organization is his participation in the various forms of insurance which are open to him by virtue of such membership. In fact, some of the first trade societies in this country were organized primarily as friendly and benevolent societies. During the latter part of the eighteenth century and the first quarter of the nineteenth, the modern conceptions of wage class and wage-earner were unknown because there had not yet developed

a distinctive group of workmen dependent upon wages alone for their livelihood. Capital had not yet learned its ability to control and direct industry. The master workman of that period was at once workman, employer, and merchant capitalist. He owned the few necessary tools, purchased the raw material, hired the necessary help, if any, to aid him in preparing his product for market, and retailed his wares to his customers. Sometimes he worked on orders. In either case, he dealt only with the producer of raw material and with the consumer in price determinations, and with his helpers or journeymen in wage determinations. Since it was the expectation of every journeyman some day to become a master workman, and since the functions of master and journeyman were at times interchangeable, there was a very real identity of interest between master and man. Instead of organizations to fix wage scales, combinations to fix prices were more pertinent. These were not uncommon. But more often friendly and benevolent societies, including in their membership both masters and journeymen, were developed as mutual insurance companies. All of these were purely local in their jurisdiction, and nationalization was not even considered.

The half century beginning in the 'thirties witnessed revolutionary changes in American industrial life. The merchant capitalist, and a little later the merchant jobber, appeared to exercise the functions of middleman between the producer of raw material and the master workman on one hand, and the master workman and the consumer on the other. This made of the master workman a mere contractor. By playing one such contractor against another in receiving bids for work, the merchant capitalist was able to reduce the prices which he paid. The contractor, in turn, in order to keep in the race for commissions, shaved the wages of his journeymen. This forced the question of wages ahead of all other considerations in trade organizations and relegated the fraternal and insurance features of the earlier friendly societies to a minor position in their program.

The masters retained their membership in these new societies until, in the further development of the capitalist function, they lost their identity as tool and machinery owners and contractors and became instead mere superintendents. By this time the trade societies had begun to assume many of the ear-marks of modern trade

unions, and the masters either withdrew or were forced to resign from membership. During this period many of the benevolent societies relinquished their insurance benefits and reorganized as trade unions; others retained their benefits and added restrictive measures for the government of their members. Although the era of nationalization of trade unions began at this time, the insurance features which were retained from the earlier societies were still administered by local unions. In fact, the leaders of the national movement at first discouraged benefits, on the ground that the development of such activities would hinder the enforcement of trade regulations.

In the present period of our industrial life, beginning with the last quarter of the nineteenth century, changes have been largely of degree rather than of kind. The capitalist has extended his activities and with them his power to direct and control the currents of industry. The workman has become more wage conscious and has banded with his fellows into strong national unions in an effort to establish and maintain standards of wages and working conditions. With this emergence of a group of workmen, separate and distinct from all other classes in their primary efforts to earn a living, have appeared problems to which the wage-earners as a class, and more especially as members of a particular union, have directed their attention.

With the return of prosperity following the close of the Civil War, this new element in the industrial population—the trade unionists—sought for means by which they could insure themselves a place of increasing importance in the social scheme. Savings banks grew apace and mutual insurance societies became the order of the day. Of the enormous flood of immigrants, many had had experience in friendly societies in England. These, together with those American trade unionists who still retained their faith in the benefit systems of the earlier trade societies, succeeded in interesting large numbers of wage-earners in the institution of mutual insurance within their own organizations. They were aided in their efforts by the public opinion of the time, which looked to the trade unions for the solution of the problems which faced the wage-earners.

Gradually the earlier opposition of the national trade union leaders to benefit systems was either broken down or was overridden, so that by 1880 the national leaders were beginning to find reasons why benefit clauses should be incorporated in, rather than ex-

cluded from, their constitutions. It was argued that beneficiary features, whether or not they attracted members to the union, undoubtedly helped to retain them during a period when they might otherwise withdraw from membership. And since one of the big problems which every trade union must face is the prevention of declinations in membership during industrial disturbances, this new theory of benefits was not without its effects.

The Granite Cutters' Union was the first national union to adopt a system of national sick benefits. This was introduced in 1877 and was made voluntary in its operation. The plan was not successful, and the sickness insurance association was dissolved in 1888. The first national union to inaugurate a compulsory sick benefit was the Cigar Makers' Union, in 1880. Its success was immediate and its popularity grew rapidly. The German-American Typographia provided in its first national constitution, adopted in 1873, for the payment of sick benefits by the subordinate unions. This system proved unsatisfactory, and in 1884 the national sick benefit was adopted. Other prominent unions which have since adopted national sick benefits are: Barbers, 1893; Iron Molders, 1896; Tobacco Workers, 1896; Pattern Makers, 1898; Leather Workers on Horse Goods, 1898; Piano and Organ Workers, 1896; Boot and Shoe Workers, 1899; Garment Workers, 1900; Plumbers, 1903. Other national unions which have given much attention to the subject include the Typographical Union, the Brotherhood of Carpenters and Joiners, the Painters, the Wood Workers, and the Machinists.

The International Typographical Union manifested but little interest in the establishment of a sick benefit prior to 1892. Since that time the subject has been discussed at several national conventions and has even received the indorsement of international officers of the union, but the proposal has been defeated in convention. The Union Printers' Home, however, cares not only for aged members but for many afflicted with diseases of the respiratory organs. Members who are afflicted with disease that makes their admission to the home inadvisable are, if otherwise eligible, placed on the union's pension roll. A pension of \$5 per week is paid to all incapacitated members sixty years of age or over, and there are also mortuary benefits ranging from \$75 to \$400 according to length of membership.

It is not possible to give a significant summary of the extent of

national trade union sickness insurance in the United States at the present time. Twenty-seven of the unions affiliated with the American Federation of Labor paid out in national sick benefits during the year ended September 30, 1913, a little over \$800,000. Of this amount the Cigar Makers' Union alone paid out \$200,000.¹ Because this union best shows what is possible in national union sick insurance, a brief statement of the history of this feature of the union's policy is pertinent here. Beginning in 1881 with a total sick benefit payment of less than \$4,000, the annual amount has steadily increased until in 1911 it for the first time reached \$200,000. The per capita cost of this sick benefit has likewise increased from \$.27 in 1881 to \$3.73 in 1905, since which time it has remained nearly constant, although during the last two years it has been slightly more than \$4. Every member of the union is entitled to participate in sick benefits. Members leaving the trade may obtain a trade "retiring card" which entitles them to sick benefits as long as they maintain the payment of a certain proportion of the regular dues. Sick members are entitled to receive \$5 per week for a period not to exceed thirteen weeks in any one year; no payments are made for sickness of less than seven days' duration. A membership of one year is required before the member is entitled to the sick benefit. Sickness caused by intemperance, debauchery, or immoral conduct is not accepted as a cause for claiming benefits.

By far the greater proportion of trade unionists who are protected by sickness insurance receive support from local rather than from international unions. Of the 530 local unions reported in the volume on *Workmen's Insurance and Benefit Funds in the United States*, prepared in 1908 under the direction of the United States Commissioner of Labor, 308 pay sick benefits. These vary from \$1 to \$10 per week, while \$5 per week is the amount most often

¹The exact figures are: Total amount, all unions, \$816,336.41; Cigar Makers, \$204,775.61; Molders, \$159,434; Western Federation of Miners, \$96,066.44; Boot and Shoe Workers, \$74,790.81; Hotel and Restaurant Employees, \$58,911.06; Plumbers, \$47,000; Barbers, \$46,185.91; Bakers, \$33,870; Tailors, \$22,099.80; Retail Clerks, \$14,225; Iron and Steel Workers, \$10,515; A. F. of L. locals, \$8,813.06; Photo-Engravers, \$7,865.51; Patternmakers, \$7,053.04; Painters, \$6,400; Tobacco Workers, \$5,917; Cloth Hat and Cap Makers, \$3,859; White Rats Actors, \$2,156.67; Stonecutters, \$2,000; Diamond Workers, \$1,600; Steel and Copper Plate Printers, \$1,280; Wire Weavers, \$850.50; Travelers' Goods and Leather Novelty Workers \$300; Foundry Employees, \$245; Shingle Weavers, \$69; Pocket Knife Blade Grinders, \$54.

paid. The maximum periods for which sick benefits are provided vary from five weeks in one year to unlimited time, with thirteen weeks in any one year as the most common. Generally the period of illness must continue for seven days or more at any one time before benefits may be claimed. The number of days at the beginning of the illness for which benefits are not paid varies from none to twenty-one, while seven is the most common. The length of membership required in order to establish a right to claim benefits for sickness varies from no time at all to one year, with six months the most common. Most unions require the presentation of physicians' certificates and the investigation of sick benefit claims by union sick committees.

While the International Typographical Union does not maintain a national sick benefit fund, its local branches have perfected three separate forms of insurance against illness. These may be called the local union sick benefit insurance, the union auxiliary mutual aid insurance, and the union chapel or shop insurance. The first of these—the union sick benefit insurance—is typified in the constitution of St. Louis Typographical Union No. 8. All members of this union who have been in continuous good standing for six months and who are incapacitated for work for a period of two weeks or longer are entitled to receive from the union a weekly benefit of \$5 for a period not to exceed twelve weeks in any one year. If the illness is of such a nature as to require hospital accommodations, the union stands ready to pay hospital charges not to exceed \$7 per week in lieu of the weekly sick benefit. Neither sick nor hospital benefit is extended to cases of alcoholism or to cases of chronic, contagious, or venereal disease.

The second form of sickness insurance among printers—the union auxiliary mutual aid insurance—is represented in the Chicago Union Printers' Mutual Aid Society. This society is a mutual insurance association organized solely for the purpose of giving financial aid and assistance to its members in time of sickness or accident. No person is eligible to membership who is not already a member in good standing of Chicago Typographical Union No. 16. Members when sick are entitled to receive \$10 per week for a period not to exceed twenty-six weeks in any one year, provided their illness lasts for two weeks or longer. Membership in this society is voluntary and is not required of members of Typographical Union No. 16.

Nevertheless, the union encourages its members to join the society, and to effect this end it has abolished all union relief in case of sickness, except to those members whose applications for membership in the society have been rejected on account of their inability to pass the required medical examination. In such cases, the union may grant relief by extending a loan of not more than \$25 in ordinary cases to sick and destitute members.

For an example of the third form of printers' sick benefits—the union chapel or shop insurance—we may refer to the Composing-room Relief Association of the *New York World*. Perhaps it is not quite accurate to call this association a union insurance society, since membership in a union is not required of all members in the association. Yet we call this a form of union chapel or shop insurance, because, except for this omission, it typifies that group of chapel and shop insurance organizations which do require of applicants for membership the presentation of a union card. This association was organized originally for the benefit of compositors alone, but it now includes among its 500 members editors, writers, employees of the business and circulation departments, stereotypers, pressmen, and mailers as well. Upon the payment of weekly dues of fifty cents, its members when sick are entitled to receive \$10 per week for a period not to exceed twenty-six weeks in any one year. Under certain conditions, the dues may be increased in individual cases to \$1 or \$1.50 per week and the benefits to \$20 or \$30 per week accordingly.

Whether administered by the international union or by the subordinate locals, the sick benefit is intended to provide insurance against illness which temporarily incapacitates the wage-earner for his regular work. Members are usually debarred from such benefits in case of illness due to "intemperance, debauchery, or other immoral conduct"; and in some cases illness caused by "the member's own act" may not be used as a basis for benefit claims. In no case is the sick benefit intended to constitute a pension for members suffering from chronic disability. The time limit during which a member may receive insurance in any one year prevents this. Some of the unions, notably the Iron Molders and the Boot and Shoe Workers, go even further and provide for retiring such members from the privilege of sick benefits in case they attempt to draw the maximum amount year after year.

The limelight of publicity has been turned upon industrial accidents and occupational diseases. As a result, individual students of social problems, philanthropic organizations, and state and national departments of labor are beginning to learn about the hazards of industrial life. The more knowledge we obtain, the more eager we are to embody it into measures which will prevent such accidents, do away with the necessity for exposure to occupational diseases, and compensate the sufferer and his family. Our former insistence upon the competence of voluntary action to deal with accidents and diseases in which the factor of the inherent risks of the industry is so great, is being displaced by a belief in the necessity for compulsory insurance administered by governmental authority. Following closely upon the heels of the demand for compensation legislation is the cry for old age pensions, mothers' pensions, and a host of other reforms which abroad have already become realities but which in America are just being divested of the stigma of Socialism and paternalism.

In some of these proposed reforms it is not very easy to trace a causal relationship between the condition which demands a remedy and society's responsibility for that condition. Still more difficult is it to measure social responsibility in considering what we are accustomed to call the private misfortune of ordinary illness. But the fact remains that we are forced to recognize the presence of a vast deal of sickness among wage-earners, against which no provision has been made and for which relief is necessary. Some day we may be asked to provide compulsory state or national insurance against this also. At present we must look to other agencies. The trade union, and especially the international union, is peculiarly fitted to administer sickness insurance. For the most part, each local union is made up of people of the same nationality, of similar habits of life, resembling each other in physical makeup, and subject to similar risks and exposures. They know one another personally and are able to detect imposture in the rare cases where this is attempted. Then, too, sickness insurance, when conducted on the local mutual plan, requires neither large reserves nor a great investment of funds. When conducted by an international union, there is, of course, need for a reserve fund, and there is also greater care and more approved business methods in the disbursement of money.

Therefore, whatever may be our ideas of the activity of govern-

mental agencies in other forms of industrial insurance, we must admit that for the present at least we are not ready for the state to insure our wage-earners against sickness. We must also recognize that at present wage-earners as a class cannot, or at least do not, make individual provision for temporary disability due to illness. What is not done individually must be done collectively if at all. It is for these reasons that we believe in trade union sickness insurance and that we are ready to offer it encouragement.

Judging from some of the opinions expressed here to-day, there may be criticism of trade union sick insurance methods on the ground that all of the funds are contributed by employees, the employer not bearing a share of the expenditures. From a somewhat extended experience, it is my conviction that in a well-organized industry the employer *does* contribute—indirectly, it is true, but actually none the less—, for the cost to the union member is later used by the union as an argument for an increased wage scale, and is so accepted by employers, in the printing industry at least. All the benevolent features of the International Typographical Union, including the pension fund from which 1,100 members are now drawing pensions, the mortuary fund, and the Union Printers' Home, are supported by the members.

It was said here to-day that compulsory insurance is never enthusiastically supported. Thousands of our members voted against the mortuary and pension laws; but the majority vote was for these laws, and they are compulsory. They have been in effect for several years, and if they were resubmitted now, I am satisfied that there would be a comparatively small vote against them.

As far as a joint fund for such benefits is concerned, I am satisfied that even with a board of directors of seven-twelfths for the employees and five-twelfths for the employer, the latter would dictate the policies and control the fund. Naturally the wage-earners look askance at these company-instituted and company-controlled funds, as they give the impression that they are instituted in order that the worker may be more firmly bound to the industry, and less liable to form industrial organizations for the regulation of hours, wages and working conditions. I am opposed to any scheme which takes out of the pay envelope the "contribution" of the employee. He should receive his wages in full.

A strong union, capable of protecting the rights of the individual,

can successfully conduct sick insurance features. Unorganized workers will find their best protection in state-supervised or state-instituted sickness insurance, for they will not then be at the mercy of the rapacity, or greed, or kindness, or charity of the employer. The state, and not mixed directorates, will see that full and even justice is accorded.

With the general adoption of compensation for industrial accidents will come reasonably safe factories, for these laws will do as much for safety as the inspection service of the state departments of labor. Properly guarded machinery will mean a lower insurance rate. Following compensation for industrial accidents will come compensation for industrial diseases, and this will in turn mean reasonably safe factories from a health standpoint. Both will raise the standard of living, and a higher standard of living will mean a healthier people and less sickness of a general nature.

Pay to the wage-earners living wages and give them the eight-hour day, and they will spend their money wisely and provide their own health insurance. There will then be no occasion for worry on the part of those employers who may have the idea that they are the natural guardians and protectors of their work people, and who seek to mold laws accordingly.

GENERAL DISCUSSION

LEE K. FRANKEL, *Metropolitan Life Insurance Company, New York City*: It is impossible in five minutes to give a comprehensive summary of the subject of sickness insurance. It will be necessary to treat the matter dogmatically.

(1) As evidenced by the experience obtained, it appears that compulsory insurance has been found both feasible and practicable in certain European countries.

(2) From the experience gained both in Europe and in the United States, it appears that voluntary sickness insurance is feasible and practicable.

(3) Both compulsory and voluntary sickness insurance have their advantages and disadvantages.

(4) Sickness insurance will be developed in the United States whenever we are prepared to pay the cost.

The advantages of voluntary sickness insurance may be summed up as follows: The individual insured has the opportunity of joining a particular group of the same occupational hazard as himself. In the case of individuals who are employed in industries with a low hazard, this means that the insured are able to obtain their insurance at a lower cost than if they were required by compulsion to enter a large group in which all elements of the population are insured.

The disadvantages of voluntary insurance, as brought out by the experience of practically all foreign countries, lie in the fact that the element of the population which most needs sickness insurance has not been insured. Even under foreign plans with government subvention, the casual laborer and the employee in small industries have not obtained the benefit of sickness insurance.

It seems to be the consensus of opinion from the experience gained that only through a system of compulsion will it be possible to have sickness insurance that will cover those elements of the population which most need it.

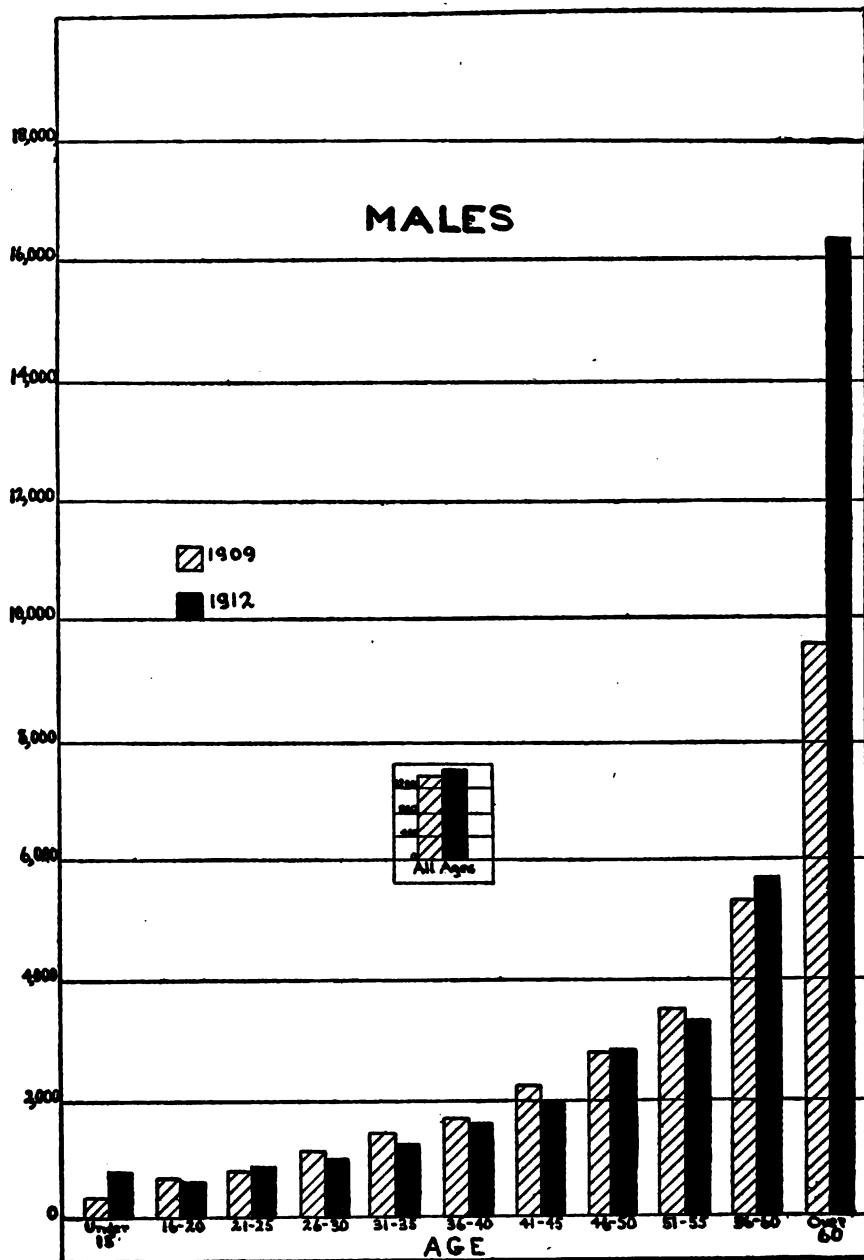
As regards cost, the Leipzig experience shows that the cost of sickness insurance has risen from 3 per cent of the wage income to approximately 4 per cent. Neither the American wage-earner

nor the employer has been expected to expend any such proportion of wages for insurance benefits. A system of compulsory insurance in the United States should avail itself of the experience of other countries. This would probably lead to a scheme of insurance which, with a compulsory principle behind it, would nevertheless allow the widest latitude in the choice of the methods of insurance. There is not sufficient time to enlarge upon this subject in this discussion. It will suffice to say that probably a modification of the Vienna plan, in which the medical care of the insured has been in part detached from the cash benefit features, will lend itself most readily to American conditions.

Any scheme of insurance, whether compulsory or voluntary, will probably require a reserve. It is highly important to remember that sickness insurance is not merely a social question but an insurance problem as well. How necessary reserves may be, is indicated by the tables on pages 94-95, showing the experience of the Local Sick Benefit Society of Merchants, Tradesmen and Druggists, of Berlin. It will be seen from these tables that there is a curve of morbidity similar to the curve of mortality. It will be noticed furthermore that there has been a marked increase in the rate of sickness for the higher ages in the year 1912 over the year 1909. It is to be regretted that we have practically no morbidity statistics in the United States. The comparatively few that are available give little indication of the sickness rate in age groups. Such statistics are highly important in determining the cost of sickness insurance.

I would recommend to the Committee on Social Insurance of this Association that they prepare a standard form for reporting and recording the sickness experience of the various labor unions, associations, establishment funds and sickness insurance companies and societies, in the hope that by the distribution of these standard forms and through the use of the Committee on Social Insurance as a centralized agency it may be possible to obtain some definite statistical data on the subject of sickness in the United States.

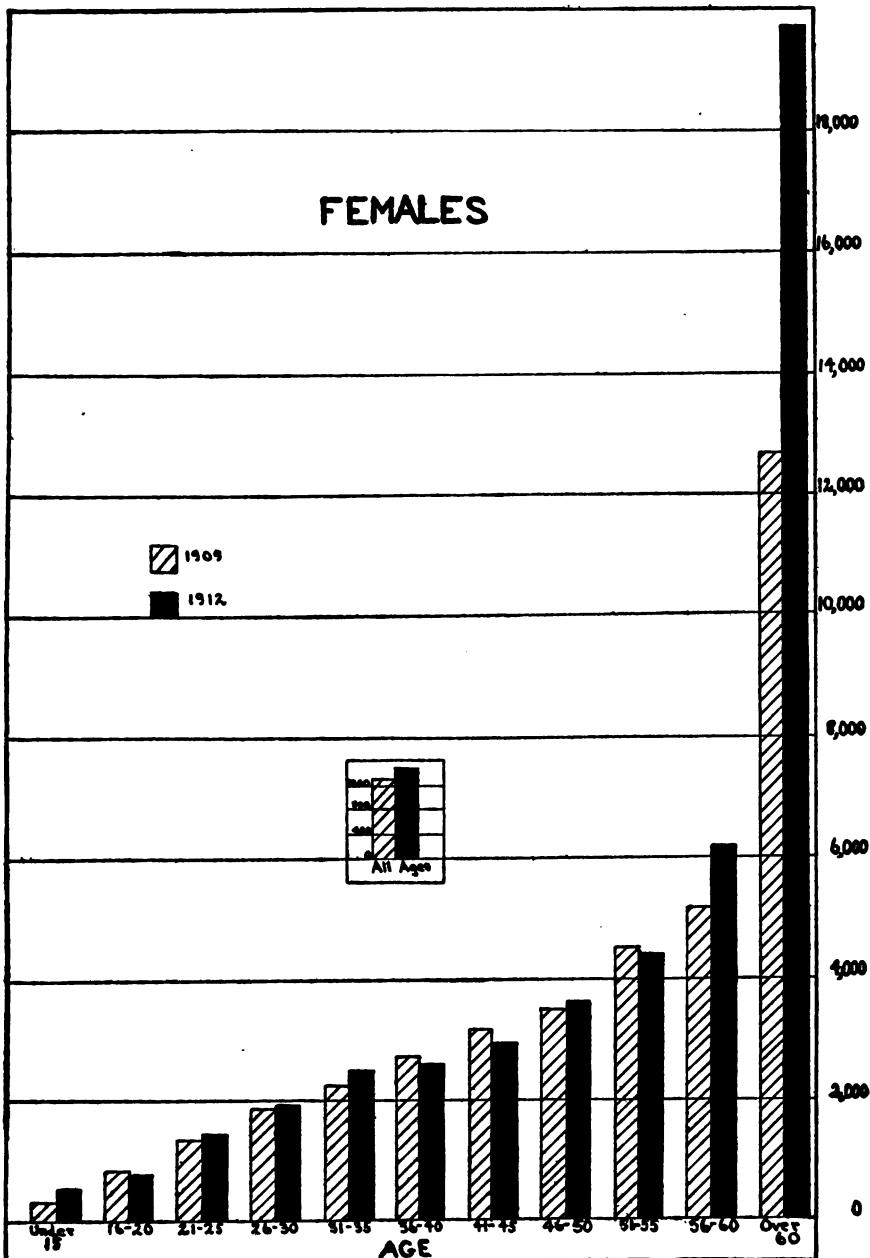
HENRY J. HARRIS, *Library of Congress*: The most significant part of this discussion is the fact that the American Association for Labor Legislation is practically committed to the advocacy of a system of compulsory sickness insurance for the United States. State accident insurance is accepted as needing no further defense



SICKNESS

NUMBER OF DAYS OF SICKNESS

LOCAL SICK BENEFIT SOCIETY OF MERCHANTS



EXPERIENCE

PER 100 MEMBERS, 1909 AND 1912

TRADESMEN AND DRUGGISTS, BERLIN, GERMANY

and, as the next step in advance, state supervised sickness insurance is presented for consideration. Of the other possible fields of state activity in social insurance, we might mention old age, invalidity, widows' and orphans', maternity, and unemployment insurance, but in preference to any of these, sickness insurance is considered as demanding early consideration. This selection is worthy of comment, because sickness insurance, next to unemployment insurance, is practically a field in which the activity of the state must be carefully restricted; the work of administration and the burden of expense in a system of sickness insurance must be placed on the insured persons to the largest possible degree in order to secure economy and honesty of operation in a field where the temptations to the beneficiary and the appeal to the sympathy of the officials must be watched carefully.

For this reason, any direct contribution of the state to the sickness insurance system is inadvisable. The cost of the supervision will not be small and, of course, should be defrayed by the state, but any additional funds which the state is able to devote to health insurance should be applied to general preventive and relief measures. For instance, the support of a systematic anti-tuberculosis campaign, with dispensaries, sanatoria, visiting nurses, and so forth, should be considered a duty by all of our state governments and should be available to the whole population regardless of the limitations of occupation, of wage payments, and the like, which are a part of any sickness insurance system. Some of our state governments have already arranged for special care for workmen in specific industries, such as the state miner's hospitals in California, New Mexico, Utah, West Virginia and Wyoming. The federal government still conducts a hospital service for seamen and at one time even required deductions from the wages of mariners to support this service.

MILES M. DAWSON, *Consulting Actuary, New York*: I much regret that careful study of the consequences in various countries of attempting to solve problems of sickness insurance by encouraging voluntary insurance, is beyond question anything but reassuring. The attempt has been a failure in every country so far, even when workmen's compensation laws were so devised as to leave a considerable period to be taken care of, it was expected, by voluntary sickness insurance.

In Great Britain, where voluntary insurance in friendly societies was best developed, it was apparent at once when we came to look into the matter, both that a vast proportion of workmen were not so protected, and also that these were precisely the persons who for the sake of themselves, their families and society at large most needed the protection.

These facts so weighed upon the administration that abandoning the traditional attitude of opposition to compulsion and state activity, Great Britain has launched out upon a general system of compulsory sickness insurance.

The investigations made by Chancellor Lloyd George and by a commission of the British Trades Union Congress into conditions in Germany revealed that social insurance had rendered Germany a country practically without slums and had greatly increased the efficiency as well as the wellbeing of German workmen.

These investigations, and particularly those by representatives of British trade unions, also showed conclusively that compulsory insurance had not resulted in a smaller or less reliable and active membership of trade unions or in a diminution of their efforts to improve the condition of workingmen in the matter of hours, wages, etc.; but that, on the contrary, the unions were splendidly organized and represented nearly all classes of labor, and that trade agreements respecting hours, wages, and the like, were the rule rather than the exception. The investigators also found that trade union representatives generally testified that social insurance had been beneficial in these regards, especially as furnishing precedents for employers' and employees' operating through their representatives in matters in which both parties were interested, with the result that when disputes arose they could continue negotiations until some definite result was reached.

In this connection it is but fair to say that no well-considered system of compulsory sickness insurance would, in my opinion, fail to utilize to the full all existing means, including fraternal societies, mutual associations, establishment or relief funds, and, above all, labor unions, all of which should, therefore, be greatly benefited thereby.

The illustration which Dr. Frankel has given concerning rates of sickness is very interesting, but it is proper to call attention to the following facts:

(1) The maintenance of premium reserve funds may not actuarially be necessary when the insurance is on a compulsory basis.

(2) Sickness insurance tables are entirely wanting in the United States, or virtually so, but the following tables prepared by me from American data are about to appear:

a. Disability experience (comprising both sickness and accident) of the Brotherhood of Locomotive Engineers.

b. Disability experience (comprising both sickness and accident) of the Westinghouse Air Brake Company's relief fund.

The first of these is being published by the Bureau of Labor Statistics; the second I have been authorized to turn over to them for publication also.

The engineers' experience is, of course, highly restricted, but the other experience is perhaps fairly representative of sickness rates in mechanical industries. It is interesting to note that it corresponds reasonably with the experience of British friendly societies.

(3) The experience of British friendly societies regarding sickness rates is available. This includes:

Three investigations of the experience of the Manchester Unity of Odd Fellows, embracing altogether many hundreds of thousands of lives and covering a long period.

An early investigation of the Ancient Order of Foresters, remarkable for its general agreement with the results of later investigations.

An investigation by the British government of the experience of all the friendly societies of Great Britain, embracing 1,600,000 lives.

All of these are available, and while I may say that they must, of course, be used with caution, the experience of relief associations with which I have had to do in this country is not far from corresponding in general with some of these rates, the same being carefully selected, paying attention to the discriminations which are feasible in view of the state of the data.

(4) There is a great lack of occupational mortality tables, and the material which is available is not reliable and must be used with great caution.

A resolution was adopted to-day by this Association, calling upon Congress to utilize the material collected by the Thirteenth Census in the production of such tables, and it is to be hoped that this will be done.

Reference has been made this afternoon to the misuse of relief and aid associations occasionally, by employers seeking through them to prevent insistence by workmen upon improvement in wages or hours, and also sometimes to prevent their organizing or joining a labor union; and the fact has also been referred to that a few such funds are maintained entirely, or virtually so, by contributions of employees, while the employer secures thereby immunity from accident claims.

These are great and admitted evils which are to be found sometimes in such plans, but by no means all of them are of this character. Some of them are even conceived on too liberal a basis, as when all the benefits, including life insurance and sickness insurance, are provided by the contributions of the employer, whereas every consideration calls for contributions by employees to sickness insurance and to insurance against death due to ordinary causes.

It has been said here to-day that it is doubtful if any such plan involves a payment of as much as 4 per cent of the payroll. As specimens of what really good plans are, I may say that I recall at the moment at least four of my own clients whose plans are in character and in amount of benefits almost or quite equal to the entire German social insurance plan. In these four plans the contributions of employees are small and only toward insurance against sickness and death due to ordinary causes, the entire cost of the plan is estimated at from 5 per cent to 7½ per cent of the wages, and the contributions of the employers materially exceed 4 per cent. Under all of these plans, likewise, the employee elects, when an accident happens, whether he will accept the large benefits under the plan or enforce any claim which he may have under the law, and he is not bound until he makes such election.

In other words, these plans should in each case be judged upon their merits; and if they give liberal and proper benefits and require only moderate contributions by employees, and especially if they are not operated in such a manner as to prejudice employees' negotiating for improvements in wages, hours, or conditions, or organizing or joining labor unions, there is certainly no reason why they should not be welcomed.

To recapitulate, it seems perfectly clear that the social benefits which should be derived from sickness insurance cannot fully be realized except by a system of compulsion under which all existing

means are availed of and only such new conveniences created as are required in order that all who should thus be protected will come within the provision. It is the experience that in all other countries this is requisite, and in consequence of the actual conditions in this country, as well as on *a priori* grounds, it seems perfectly clear that such is also the case here.

FRANK O'HARA, *Central Bureau of the Central Verein*: I wish to emphasize two points that have been already touched upon by previous speakers:—first, the relative weight of the employers in the management of the local sickness insurance funds; and second, the place of the fraternal societies in the system.

It has been suggested by Mr. Chamberlain that the contributions of the state, the employer, and the employee be respectively, two-twelfths, four-twelfths, and six-twelfths of the whole amount, and that in the management of the local sickness insurance funds the representation of the employer and the employee be in the proportion of five to seven. This gives the employer a relatively greater voice in the management of the fund than is warranted by the proportion of his contribution to the fund. It should be reduced at least to the proportion of four to six. It is contended on grounds of economic theory that a considerable part of the contribution of the employer under a system of compulsory insurance will be passed on to the ultimate consumer in the form of increased price. It would seem, therefore, that the weight of the employer as compared with that of the employee in the management of the local insurance fund should be considerably less than in the proportion of four to six. Moreover, it is held by many practical men, and on seemingly good ground, that some of the contribution of the employer will be shifted back to the wage-earner in the form of lessened wages. This constitutes an additional reason why the weight of the employer should be further reduced. To allow the employers to have a voice in the control of the fund greater than their real contribution to the fund would serve as a source of irritation, whereas the merits claimed for the system of having the fund administered by both parties will continue, even though the representation of the employers should be something less than their real contribution to the fund.

I wish to suggest, in the second place, the importance of making

use, in the proposed system, of the fraternal societies and other organizations now engaged in furnishing sickness and burial benefits. Under the British system, the insurance is furnished by the friendly societies and other organizations under the supervision of the state. Very little insurance is taken out with the state directly, and that little is not strictly insurance. In the United States the fraternal life insurance amounts to about \$10,000,000,000. Up to the present, this has been very unsatisfactory, chiefly because of the inadequacy of the reserves. There is a strong movement going on at present to strengthen this fraternal life insurance by placing it under stricter state supervision. Since it is likely that within the next three or four years the states will have come into very close relations with the fraternal societies, we shall have here ready at hand the machinery for putting compulsory sickness insurance into effect without the manufacture of further machinery. Moreover, if the fraternals are antagonized and feel that they will be injured by the new system, they are likely to exert their powerful influence against the adoption of compulsory sickness insurance; whereas if they are made use of in the new system they can contribute much towards its speedy adoption.

IV

WORKING HOURS IN CONTINUOUS INDUSTRIES

Presiding Officer: WILLIAM C. REDFIELD

Secretary of Commerce
WASHINGTON, D. C.

INTRODUCTORY ADDRESS

WILLIAM C. REDFIELD
Secretary of Commerce

It is a privilege to preside at this meeting, because, apart from the general interest of the occasion itself, the subject is one in which I have felt for a good many years a considerable interest; it is one the bearings of which I think are very largely misunderstood by the general public, and one upon which, it seems to me, it is very important that the right point of view should be taken rather than that which is so often brought into controversy.

I think no one spends as many years as it has been my privilege to spend in factory life but has had this question, of the working hours, brought very sharply and very frequently to his attention. And while I am aware that the subject here is working hours in continuous industries, I think I may venture briefly to say a few words on the question of working hours in any manufacturing industry.

Long years ago, before the agitation for the reduction to the nine-hour day took place, my associate in business came to the conclusion that there was what he called "a tired hour," that it would be in his judgment undesirable and unprofitable to continue running the factory as long as it was then run; and after mature reflection, unasked and unexpected, he reduced the hours of the shop from ten to nine, simply on the ground that he believed it would be profitable to do so. The event, in his judgment, proved his opinion to be sound; and at the end of a very considerable period he was satisfied that he had gained both in quantity and quality of output as well as in the unconscious discipline which, in his judgment and in my own, is self-enforcing upon an adequately paid and properly treated working force. He often expressed to me the view that a further reduction of time to eight hours was inevitable, merely on the ground of its being profitable to do so. From that time on, the subject has interested me greatly, and I have talked upon it with many men who have had experience in the matter.

Only ten days ago, or less, I had the privilege of meeting a very large manufacturer who has 6,000 men at work upon the eight-hour basis, competing actively with other concerns which are running nine hours and even longer. He tells me that nothing would induce him to go back to the longer hours; that he does not understand why his competitors do not see the profitableness of the eight-hour day; that both he and his men are entirely content to be running in a strictly competitive business at eight hours per day, while all their competitors are continuing to run nine hours; and that in his judgment, as the leading manufacturer in the business, it would be far better for their pockets, as well as for their peace, if they also would take up the shorter day.

My own experience with manufacturers, and I have known a great many of them and talked with many hundreds of them in past years, has been that this subject, like most of our human subjects, has been treated almost altogether from the arithmetical point of view. And I have never yet found that the multiplication table applied to human beings was a great success. If we take two machinists and add a third machinist, nobody but a fool of a foreman would suggest we had added 50 per cent to our output capacity. It would depend upon the quality of the third man, and yet the multiplication table would show an addition of 50 per cent of our force. So the whole arithmetical principle as applied to humanity seems to me as something not to be taken at all as a joke, but as a fact which has stood in the way of human progress perhaps as no other single unconscious factor. A hundred times manufacturers have said to me, "Take off one hour from nine and you reduce your output one-ninth"—just as they had said to me before, "If you take off one hour from ten, you reduce your output one-tenth." But as a matter of fact, we did not; we increased our output more than one-tenth. Therefore the thought that seems to me essential on this whole subject is to get away from mathematical dealings with mankind, and to try to deal with them on the human side, as they are. There, it seems to me increasingly, we run across one of the great weaknesses in the wholly or almost wholly unscientific character of the methods by which our industries too often deal with the mightiest force in production, the man in the shop.

There are great factories known to you as there are to me in which science is applied to buildings, to equipment, to materials, in which

the very last word of laboratory research and investigation on these three phases is put into immediate service; but when it comes to the thing most essential of all, when it comes to that force in the factory without which management is vain and without which intelligence is useless, when it comes to the human force in the factory, the scientific study and the thoroughness of method stops. I suppose that a man with a headache is a very unprofitable thing to have in the factory; I suppose that a tired man or a man with a toothache is a source of expense; I suppose a man who is half sick or who has had a bad breakfast is a weak spot in an industry; I suppose a person with such knowledge of the English language that he can only indistinctly understand orders is another weak spot; I suppose it is just as true of the human side, that any weakness in it affects the output in quantity and quality, as it is true of the mechanical side, the material side, or the building side. And yet these things are almost untouched.

I have said elsewhere, and I am glad to say here again, that to my mind there is wanting and must be had soon, some thorough study of humankind as applied to industry, which shall deal with man as he is, and the conditions under which man produces best for his own good, and therefore for the good of his employer. We know too little, practically, although among the well-informed we know quite a bit theoretically, of the loss from fatigue. I doubt if I could afford to have at work in my shop a thousand men who were partially poisoned. Yet I believe it to be true, and to be the consensus of medical opinion, that tired men are partly poisoned men. Fatigue, therefore, is a thing I cannot afford to have in my shop. It stands against my revenue as a blockade, and I cannot afford to run my factory, nor you your factory, beyond the point where the willing mind finds an untired hand to respond to its motor forces.

It seems to me that on the side of costliness of fatigue we know altogether too little, and it appears very practically in a great deal of our work. I take it that many of our young people would be disappointed if they had not a vacation in the summer from the school work, as they are pleased to call it. I take it that many more would be very much hurt if they were, as clerks in the office, not to be given the two weeks' vacation which they consider their right, and which in a certain crude way, they think that they need. But these

commonplaces which we accept freely in the upper walks of society we do not apply at all to the laboring man or the mechanic. There is no provision for him. There is no way—or no large way, no general way—in which we apply to him these commonplaces of which we speak very frankly in regard to ourselves. And yet why should not the man at the lathe, the man at the vise, have his nervous system, when it is fatigued, and his hands and head when they are both tired, rested as truly? Nay, more, why should not we so operate our industries that there should not be excessive fatigue, and therefore decreased products and increased cost to the working man?

Now these are crude and probably very unscientific ideas or ideals; they are concededly not put upon other than an economic basis. I believe with all my heart, and I believe it increasingly, that when the day shall come that we run our factories such hours and in such ways that our men shall go home at night without excessive fatigue, then, and not until then, shall we reach the height in quality and quantity of product which we need to compete in the markets of the world.

WORK PERIODS IN CONTINUOUS DAY AND NIGHT OCCUPATIONS

BASIL M. MANLY
United States Bureau of Labor.

Some five years ago the country was rudely awakened by the Pittsburgh survey and shocked into a realization that thousands of human beings were employed under conditions which required them to labor seven days a week. Public feeling was deeply aroused and calls for immediate action for the correction of this evil were many and loud. Feeling was intense but lacked organization, and no effective remedial action was taken. The criticism of conditions and the agitation for change, were, however, continued, and with the dramatic strike at the Bethlehem steel works in 1910 a new and perhaps more intense outburst of popular feeling was created. At any rate the wide publicity given this strike, with its vivid setting of sharp conflict and the shedding of human blood, brought the existence of seven-day work concretely before a much larger group than even the unusually wide circulation of the survey's findings had reached.

During the next year the agitation was rewarded by the adoption in the plants of the United States Steel Corporation of a plan by which the workmen in the seven-day occupations were given a rest period of one day in seven. This plan was later extended, through the efforts of the American Iron and Steel Institute, to several other plants.

By no means all the steel workers, however, were reached by this one-day-in-seven plan; the reports of the Bureau of Labor, covering the entire industry, show that at the most favorable time more than half of the blast furnace workers, between 15,000 and 20,000 in number, were still working seven days a week.

Finally, the movement was organized, in January, 1913, by the American Association for Labor Legislation, in cooperation with numerous religious and social organizations, to place on the statute books of the states definite laws to secure for workmen in continuous

industries one day of rest in seven. As a result of this campaign, laws providing for one day's rest in seven were passed in 1913 by two states—Massachusetts and New York.

In our fight to eradicate the evil of seven-day work, we have almost, if not quite, lost sight of a greater evil, whose social and industrial effects are much more vicious. This great evil, characteristic of practically all industries in which the plants are operated day and night, is the so-called twelve-hour day. The term "twelve-hour day" is a misnomer. It is not a twelve-hour day. The man who works on a twelve-hour shift gives up practically his entire life to working, eating and sleeping. The working day begins when the whistle blows at six, but already the worker must have dressed, eaten breakfast, and walked to his work—an expenditure of an hour and a half at least. The working day ends with the whistle at six, but the walk home and the evening meal use up another hour and a half, and the nine hours that remain must be used for sleep to replace the drains of heavy manual labor. The twenty-four hours of the worker's day are used up with nothing more in pleasure and development to show for their expenditure than an equal period in the life of a carter's horse.

The "twelve-hour day" is also a misnomer because it fails entirely to convey any conception of the accompanying evil of alternate night and day work. There are usually two weeks of day work, at the end of which comes the change of shifts, followed by two weeks of night work. This constant alternation of day and night work, upsetting normal habits of eating and sleeping, accentuates in the gravest way all the other evils connected with the occupation, and hastens that deterioration of "vigor and virility" which is admitted to be the inevitable accompaniment of twelve-hour work by even so conservative a body as the committee of stockholders appointed by the United States Steel Corporation to consider this question.

The combined effect of the twelve-hour day and the day-and-night alternation of shifts is to produce a class of men who can be regarded as but little better than slaves to the machines which they operate, worn out more rapidly by the modern industrial system than were the slaves on the Southern plantations, and more effectually debarred from the common pleasures of life than many of the prisoners in our penal institutions. The everyday life of the "trusty," a position to which any convict may attain by a fair show

of good behavior, has, it would seem, more to make it worth living than that of the man whose trade and position in life have sentenced him to the twelve-hour system.

The essential features of the twelve-hour system are constant overwork and exhaustion on one hand, and, on the other, absolute lack of any opportunity for living and for the few things worth while in life. If you are a twelve-hour worker, whether you labor six days or seven, you have no time for recreation, no time for your friends, no time for your wife, no time for your children, to whom you are perhaps only a dull stranger who comes and goes, whom they see much less frequently and know much less intimately than their school teacher.

It is impossible to estimate even roughly how numerous are these twelve-hour men in the day and night industries, for no statistics have ever been collected which give this information, except for a few industries. I can only suggest their enormous numbers by giving a list of important occupations and industries in which they are found in large numbers:

Among the manufacturing industries are iron and steel, gas, cement, paper and wood pulp, coke, starch, beet sugar, bakeries, flour and grist mills, the manufacture of glass bottles by machinery, many branches of the chemical industry, and a considerable part of the operations in a long list of minor industries. In addition, in practically all industries, whether or not their operations are continuous, the firemen and water tenders, and the patrolmen and watchmen, work a twelve-hour day. In the public service operations where the demand for service is continuous large numbers of employees work twelve hours: in the telegraph, telephone and messenger service; street railways and ferries; railway yards, stations and terminals; central electric power and light stations, and the contract mail handling service. Finally, there is a large group of industries and services which are not in their nature necessarily continuous, but which have become practically continuous through the exigencies of modern demands, among which are modern building construction, as far as the unskilled laborers are concerned, tunnel and subway construction, elevator service in hotels, all-night drug stores and lunch rooms, and the handling and transportation of dairy and other perishable food products.

There are two large groups of occupations in this list to which I wish particularly to direct your attention:

First, a very large group, of which the metal industries are typical, in which the worker is not only exposed by his occupation to abnormal heat conditions, but is also subject to extreme hazard of life and limb.

Second, another large and increasingly important group, represented principally by the public service operations, in which the responsibility of the worker is so great that the public safety is menaced by any failure of attention.

I will refer to these two groups of industries again later in connection with their important bearing on the possibility for effective legislation.

What can be done? Theoretically, the solution is simple and lies in securing the general adoption of three shifts of men working eight hours each wherever it is necessary for work to be continued throughout the day and night. I trust that no elaborate argument is necessary to demonstrate that it is a reasonable and proper step. Nevertheless, it is well to enumerate briefly the advantages of the eight-hour system.

In the first place, all the records of actual experiment to which I have had access show that it promotes efficiency and actually gives a lower cost of production and a better quality of work than the twelve-hour system, in spite of the higher immediate wage cost. This arises from the fact that under the shorter schedule of hours the men work not only harder and faster, but also more accurately, so that the saving in material alone in some cases has more than paid the extra wage bill.

Second, as a result of the better conditions the men are more regular, which in turn increases their efficiency.

Third, the eight hour system is very flexible. If a workman on any twelve-hour shift is absent, the man on the preceding shift is subjected to the hardship of working through twenty-four or thirty-six hours without intermission, while if a workman on an eight-hour shift is absent, his partners on the other two shifts can divide the work into two twelve-hour shifts without extreme hardship. Furthermore, this flexibility makes it possible to introduce the eight-hour system gradually when the condition of the labor supply will permit. By this means the most strenuous occupations can receive immediate attention, and, in addition, the results of the system can be studied on a small scale without awaiting its complete adoption.

The principal objection of the managers to the adoption of the eight-hour system has been the fundamental item of cost. "It will," they say, "increase our labor cost 50 per cent, if we give the men the same weekly earnings which they now receive, and at the present prices of our products that is impossible." Such a statement sounds convincing, and, at first hearing, indisputable. Let us, however, take courage and examine the facts.

It should first be noted that the statement that the eight-hour system will increase costs 50 per cent is in itself inaccurate and misleading. First, it ignores absolutely any possible increase in efficiency, and second, it overlooks the fact that in every department there is a considerable number of men who work ten hours or less per day. All recorded experience shows a much higher efficiency with the eight-hour day, usually sufficient, in fact, to counterbalance the increase in the hourly rate of wages; but, since the amount of efficiency increase cannot be computed in advance, let us also disregard it for the present. With regard to the second point, however, exact calculations from the wage figures of the United States Bureau of Labor, covering the entire steel industry for 1910, show that allowing for the presence of ten-hour men, the necessary increase in the labor cost for all blast furnace employees would be 40 per cent, and for steel works and rolling mill employees 33 per cent, instead of the 50 per cent spoken of by the managers.

Applying these figures to the costs of production of the United States Steel Corporation for 1910, as published by the Bureau of Corporations, we find the following results:

If all blast furnace employees worked eight hours per day instead of twelve, were paid 50 per cent higher hourly wages, and were no more efficient than at present, it would increase the cost of Bessemer pig iron just twenty-two cents per ton. The profit of the corporation on Bessemer pig iron at 1910 prices would have been \$7 per ton. The increased cost of Bessemer rails, including the increased wages paid employees in the blast furnaces, the converting department and the rail mill, would be 88 cents per ton as compared with a profit of \$10.78. The increased cost of open hearth plates would be \$1.02 as compared with a profit of \$9.15, and of steel beams \$1.02 as compared with a profit of \$9.45 per ton. The profit of the corporation on its actual investment ranged from 11 per cent in the case of steel plates to 16.6 per cent in the case of Bessemer rails. In the face of

such figures, regardless of the question of efficiency, regardless of all humanitarian motives, the cost argument would seem to fade into absolute and absurd insignificance.¹

The question of efficiency was ignored in the preceding discussion, but it cannot be disregarded even from the cold-blooded standpoint of operating costs, because there is reason to believe that experience will show the twelve-hour day to be one of the costliest things in industry, not only in its indirect effects as a cause of accidents, but in its direct effects as a prime cause of inefficiency and waste. Allow me, in this connection, to call your attention to the experience of the Commonwealth Steel Company, which demonstrated that the saving in fuel and extra pig iron which followed the introduction of the eight-hour day in its open hearth department was more than sufficient to pay the increased wage cost.

¹The calculations in each case not only include the increased cost of all the labor during the successive stages of manufacture, but also make full allowance for the waste in each process of material on which labor has been expended. No allowance is made in any case for possible increases of efficiency. The method of calculation may be illustrated in the case of Bessemer rails.

The cost of all labor used in the rail mill in heating, rolling and finishing a ton of rails is \$1.12. To put all the 12-hour workers in the rail mill on an 8-hour basis at the same weekly rate of wages and with no change in efficiency would increase this labor cost 33 per cent, or 37 cents.

Rails are, however, manufactured from ingots, on which there is a labor cost of 52 cents per ton, and 1.34 tons of ingots are used for each ton of rails. A similar increase of 33 per cent in this labor cost would be required by the 8-hour system. The increase in the cost of enough ingots to make a ton of rails would therefore be $.52 \times 1.34 \text{ tons} \times 33 \text{ per cent} = 19 \text{ cents}$.

The ingots are made by the conversion of pig iron to steel. On each ton of pig iron there is a labor cost of 55 cents per ton and 1.09 tons of pig iron are required for each ton of ingots. The increase in labor cost per ton required to put all 12-hour blast furnace workers on the 8-hour system would be 40 per cent. The increase in cost required by the 8-hour system in manufacturing the amount of pig iron ultimately required for a ton of steel rails would be $(1.34 \times 1.09) \text{ tons} \times 55 \text{ cents} \times 40 \text{ per cent} = 32 \text{ cents}$.

The total increased cost required to put all 12-hour workers concerned in the manufacture of Bessemer rails on the 8-hour system would be 37 cents per ton in the rail mill, 19 cents in the converting works, and 32 cents in the blast furnaces, making in all a total of 88 cents per ton of steel rails.

Furthermore, the cost of labor forms so small a part of the total cost of steel products that the increase in efficiency necessary to cover completely the higher wage outlay required by the eight-hour system is surely attainable with the greatest ease. In the case of a plant producing steel rails, the entire additional wage cost of the eight-hour system would be covered, if as a result the employees in the blast furnaces, the converting works, and the rail mill produced with the present equipment only 8 per cent more rails per hour than they do now.

There is no doubt of the reasonableness of the eight-hour system, but none the less, in order to secure its general adoption, the hearty cooperation of all who can be interested is necessary. For the present, at least, it does not seem possible for the workmen in these twelve-hour occupations to accomplish anything in their own behalf by any kind of peaceful concerted action. The majority of them are unskilled, which means that they are not only unorganized but virtually unorganizable, except in the contagious enthusiasm of a revolutionary outburst.

Publicity and the force of enlightened public opinion may perhaps accomplish something in two directions: first, in educating the managers to the fact, proven by a mass of recorded experience, that the twelve-hour system is inefficient and costly; second, in bringing home to our masters of industry a realization of the fact that the existence in any industry of such intolerable working conditions as the twelve-hour system gravely prejudices the public mind against it on every question that may arise. We all know from common experience that if a man is a drunkard and beats his wife, he is in a fair way to be sent to jail by the average jury on a charge of chicken stealing, no matter how good a case he may have. In the same way, I do not believe that the steel industry, for example, can receive from the public and its representatives a fair consideration of such unrelated questions as the tariff, industrial combination, and capitalization, as long as it is known as an industry in which the twelve-hour day is the prevailing system of working hours.

Legislation alone remains as a method of immediate and effective action. The laws which were enacted in two states in the past year providing for one day's rest in seven marked a step in the right direction, for, at the very least, they put the state governments strongly on record with regard to the underlying principle. Simi-

larly, while I am not oversanguine as to the efficacy of legislation alone (whether federal or state) in abolishing the twelve-hour day, it seems to me a duty to urge with all our might the best and most effective legislation that can be drafted.

As to the form of such legislation, I have little to suggest further than my opinion that an omnibus bill designed to cover the entire field of day and night operations is not advisable. Instead, on account of the wide range of employments covered, and the difference in the fundamental arguments which must be used to support such legislation, and to secure favorable judicial action, it seems desirable to divide the field to be covered according to the fundamental industrial characteristics of the occupations. For each general division a bill would then be drafted to fit the conditions exactly, and a brief prepared setting forth in the manner made famous in the suits over the hours of labor laws for women in Oregon and Illinois, the social and economic grounds in which such legislation is sought.

As a practical matter, it may be best at first to campaign for only that part of the legislation for which the basis is most sound, and for which there is already judicial precedent.

The campaign would, therefore, attack first and with all its vigor, two fields: first, those industries, such as the steel industry, in which there is exposure to extreme hazard and to working conditions of heat and fumes which are abnormal. In such a field the legislation would gain strength from those judicial decisions which have recognized, in the case of underground mines, the propriety and desirability of a limitation of hours, because of the unusual hazard and the abnormal conditions under which the work was done. Second, the campaign might well consider next the group represented by the public service corporations, in which the responsibility of the employee for the safety of others is great, and over which a special degree of state authority is generally recognized to extend. If the legislation can be established in these two fields the work of extension will be natural and easy.

It must, however, be remembered that we are attempting to make a large change in the industrial habits of our nation, and that such changes, as in the case of individual habits, come only as a result of much time, much patience, and above all, much enthusiastic perseverance.

EIGHT-HOUR SHIFTS IN THE MILLING INDUSTRY

S. THURSTON BALLARD

Ballard and Ballard Milling Company, Louisville, Ky.

After accepting the invitation to address you on eight-hour shifts in the milling industry I wrote to the secretaries of various milling associations to learn the experience of others who might have adopted the eight-hour working day.

As the answers to my letters came in I was surprised to find that, unless others have been recently established, the firm with which I am connected is practically the only one operating a flour mill on eight-hour shifts. Consequently, the only information I will be able to give you on the subject is what we have learned from personal experience.¹

We have had the system in use since July 1, 1907, making an experience now of full six years.

In all large flour mills the work is continuous, night and day, making for the full day of twenty-four hours two shifts of twelve hours each.

In the mill proper the work is usually rather light in character, such as sweeping, oiling, and tending machinery, in which the man may set himself a very slow pace if he so desires. We had no trouble with the men who did this work. But in the packing room it was very different, for the flour comes down in a large and continuous stream and must be packed in barrels or sacks immediately. While the work is not heavy or exhausting, the packers must push along at a lively pace, because if one man in a crew lags the whole crew is held back and the work accumulates. These men were frequently sick or would fail to "show up" on the night watch. Then we tried ten hours, and finally went to eight hours and have been on that basis ever since.

While on two shifts we had twenty-two men on each watch, mak-

¹I have since heard that the White Star mills, of Galveston, Tex., are on the eight-hour basis.

ing forty-four men to pack our output in twenty-four hours. When we changed to the eight-hour basis we required only fifteen men to a crew, or forty-five men in all, so that practically the same number of men were able to do the same work when they worked only eight hours as they had before done when each man worked twelve hours. Therefore, I have come to the conclusion that, for any considerable length of time, a man doing active or laborious work can do as much in eight hours as he can in twelve.

In our boiler room the condition was even more pronounced. There we had two men known as coal passers, each working twelve hours. They had to fire the boilers, clean them out, and wheel away the ashes. This was very hot, laborious work and, although we paid good wages, almost every week we were compelled to get a new man for the job. They were almost constantly changing. When we employed three men, each for eight hours, we had no more trouble. The men were satisfied with their work and remained with us as good, loyal workmen who were contented and pleased with their positions.

In our plant we have adopted shorter hours all through. In the office we have at least one hour shorter work day than most manufacturing plants, and in addition close the office on Saturdays at 3 p. m. the year around.

Therefore, from our personal experience, although we pay our men the same wage for eight hours' work as we formerly paid for twelve, and in a few instances have found it necessary to employ extra men, I feel sure that in the quality of output and steadiness of running—in dollars and cents—it has been a profitable investment.

Looking at the eight-hour day from the standpoint of the men themselves there are, we might say, three points to consider—their health, their happiness and their morals.

In the first two of these I feel absolutely sure they gain. In the third, however, I have been compelled to defend our position on a number of occasions, having frequently been asked: "How do the men spend their leisure hours? Do they go home to their families to take their children out for a walk, to help around the home, or to read and study, or do they go to the saloon to play cards and spend their money?" Frankly, I do not know. The older men, I feel sure, do gain by the short work day in health, happiness and morals. But as to the young men I must admit the question is not so easy to

answer. Realizing the seriousness to these young men of the proper use of their leisure hours, we provided a recreation room with good reading matter, pianola, billiard table and other games, which they very often come before the work hour, or linger afterwards, to enjoy.

In conclusion, it must be conceded that if any one is ambitious and wishes to make a real success of his life he will not confine himself to working only eight hours. The men of affairs who have made a place for themselves, without exception, in their early lives, worked much more than eight or even ten hours a day, and probably do so still.

But not all men are alike, and not all have the same talents or ambitions. Therefore I feel sure that the time is not far distant when every city and town will have continuation schools where not only boys and girls but young men and young women can carry on, under competent instruction, various kinds of work or play to broaden and develop their characters, and where they will be fitted to go into higher positions of responsibility and usefulness.

Thus I feel that as employers it is our duty, by establishing shorter hours, to afford the opportunity, and then it will be the duty of the public to provide the facilities whereby this spare time shall be used for the betterment and uplift of all of our people.

LONG HOURS IN RAILROADING

AUSTIN B. GARRETSON
President, Order of Railway Conductors.

In respect to hours of service, the work of trainmen—in which term I include engineers, firemen, conductors and brakemen—differs from every other class of labor on the face of the earth.

In every other form of employment the man either works and lives at points within convenient access of each other, or else carries with him, as in seamanship, the means for retiring from active service and putting in the period of rest. But this is absolutely impossible in the operation of trains. The lapse of the time that is set for the performance of a period of service may find the man twenty miles from where either food or rest can be secured. The consequence is that the ordinary means of terminating work are absolutely impossible of application to men serving in train operation.

Various efforts have been made to circumscribe the hours of labor of men engaged in these services, but no method has yet been evolved which promises a real remedy. The failure is due to the fact that any means which would relieve the man from onerous hours makes it absolutely impossible for the man to sell his time in a manner that would give him an adequate amount of earnings at the end of the month. The best minds that have attempted to reconcile the difficulties of the position with the necessities of the position have so far been at sea in the devising thereof.

The average freight division of a railway in the country—for it is the freight man more than the man in the passenger service who is confronted with the ever-recurring long period of hours—has a length of 100 miles or more. The consequence is that universally in this country the term "day," which denotes in other crafts a period of time, describes in railroading simply a number of miles travelled, for which a certain amount of money is paid, and on top of that comes such added mileage as may be required to bring the train to its destination, where facilities exist for relieving the man and for

him to procure rest and food. The 100 miles stands as the unit upon which pay is based, no matter how long it takes to traverse the distance, and any system which would make it impossible for a man to take his regular turn out would act as a deprivation of the liberty to sell his time. Consequently there has always existed in that very feature a difficulty in framing an inflexible rule that would relieve the man after a reasonable number of hours' work. Unless the man is allowed to dispose freely of the only thing which he has to sell, namely his time, the whole system of calculating monthly earnings is destroyed, and the daily wage, which is the basis of the monthly earnings, would have to be materially increased to allow the man to support himself and his family.

To protect the rights of the man to go out when the opportunity offers, what is known as the "first in and first out" rule is universal on American railways. A register is kept at the terminal, upon which a man registers the hour and minute of his arrival. When the board is marked up for trains to go out, the register is consulted, it is found out what crew has already gone, and the crew which was next in order of arrival is marked on the board as the first to go out. It was necessary to establish a rule of that kind to abolish favoritism. It is necessary to maintain it for the same purpose. That makes one of the greatest difficulties which enter into the matter.

Then, the length of division varies. I have run a train on a division that was ninety-eight miles long; I have run a train on a division that was 203 miles long. The lay mind can readily recognize the fact that when train movements are based on a speed of ten miles per hour, for ninety-eight miles it ordinarily requires only ten hours to perform the service; but the 203 miles requires 20.3 hours, and the man who performs that service day after day will give an average of twenty hours every time he goes on duty.

There is no service on this continent that is so closely related to the public interest as the railway train service. Every twenty-four hours a million people are transported by it from one point to another, some of the distances being short and some of them being long. Every day one-ninetieth of the population of the country is brought into close personal contact with it. Upon the basis of safety alone the public has a vital interest in settling this question of long hours in railroading in a manner which will guarantee to the public fitness for service on the part of the men upon whose vigilance,

upon whose devotion to duty, depends the safe transportation of the people of the country. It is to the people at large that the old Cainite query can be addressed, and it cannot be evaded, for in this instance, at least, you are your brother's keeper.

An agency that was created by voluntary means some time ago made the recommendation that the men engaged in railway transportation should be debarred from that constitutional right possessed by every other American citizen, to quit work when his conditions did not suit him. In other words, they would offer up five million men as a vicarious atonement for the comfort of the remainder. Before that recommendation is adopted, it might be well to determine whether the condition of those five million men could not be made such that they would be in a position to render proper service, and such that necessity might not arise for the discontent, legitimate discontent, that would induce them to consider the question of retirement from the service.

If we go back before there was any effort to regulate hours of labor in this service, before there were organizations in existence strong enough to voice the determination of the men that they would have amelioration of their conditions, twenty-four, thirty-six, fifty, seventy or even 100 hours were not uncommon in continuous service with no opportunity for rest, and slight opportunity for food. More than twenty times in my own career as a freight conductor I have been on duty for seventy-two hours.

The only reason I never exceeded seventy-two hours was because I had a quality which often led my mother to remark that if I ever drowned, she would look for me up-stream. I was discharged once by the general manager of what was then one of the largest systems in the country, the precursor of later combinations, at the end of seventy-two hours. I was reinstated about three minutes afterward, but it was the only case on record in which that manager had ever reinstated a man after he had discharged him under similar conditions. He discharged me at a way station where I put my train on a siding after being on duty seventy-two hours, and tied his special up for four hours thereby; because under the system of train movement which obtains, where wire offices are not plenty, if a train which has the right of the road does not come in, the train that has not the right has to wait until judgment day, unless orders are sent to it through some other channel. I had been on duty seventy-two

hours, having doubled a 102-mile division three times, making a total of something over 600 miles, and when I got within thirty-two miles of the terminal, my seventy-two hours was up, and that was just about as long as I could stay awake. The telegraph operator at that point brought me out a series of orders. First came the ordinary train order to proceed. I told him in language that was not parliamentary, but was very emphatic, that that train was on the side track and was going to stay there until I had six hours' rest. Then he came out with an order signed in full by the superintendent, and he got something which addeded nothing to the parliamentary form of the reply, but considerable to its emphasis. He came a third time with an order signed with the general manager's name, and I would not let him in the caboose. After a period of about five hours, the general manager, who had gotten out by some other means from the blind siding where he was waiting for me to come and let him out, pulled into the station where I was lying. He was known as a gentleman whose abilities were high, but whose temper was apt to be higher, and it was at fever heat when he began kicking at the door of my caboose. I opened when the racket got unbearable, and when I recognized who it was I also recognized that I had separated myself from a position. He said to me "You are discharged." I said "Good, I am glad I am." I could not help the case any by begging, and saw this was not a case where a soft answer would turn away wrath. Moreover, I did not have a soft answer handy. Then he fell into the idea that I had possessed when talking to the telegraph operator,—his language was emphatic but not parliamentary, and he wanted to know why, for a variety of reasons, I had not gone on. "Well," I said to him, "if you want the truth you might just as well have it once. You have not had anybody tell it to you for a good while. I would rather be discharged for disobeying the general manager's order, than for going out on the main line and killing somebody. That is why I would not go."

He looked at me for a moment and said, "Young fellow, you are the first man I have seen in a year who knows why he did a thing. Take your job." And there you have the reason why I never served beyond seventy-two hours.

Gradually efforts grew up, on the part of the trainmen's organizations, to circumscribe these hours of service by agreement, and in the trade agreements covering the railways of the country after

a time were inserted clauses which provided that after working for a given period of hours ranging anywhere from sixteen to twenty-four or in some instances thirty-six hours, men should be relieved. Bear in mind, the train was put on the siding and the men slept in the caboose—but they were to be relieved long enough to get four or six or eight, or, in a few instances, ten hours' rest before proceeding.

Eternal trouble grew up in the application of the rule. The rule was not conformed to, and there is no element more productive of bad feeling, discontent and unrest among laboring men, than a failure on the part of those under whom they serve to carry out an agreement in good faith. Meanwhile the size of the equipment grew, more and more tons of coal had to be shovelled into the locomotives, more and more parcel freight had to be handled by these traveling stevedores, until it became physically impossible to do the required work continuously for the long periods then prevailing. Hence the effort was made to control hours by legislation.

In connection with the trainmen's struggle for shorter hours, let me digress a moment to say that in these later years, since the public has begun to take an interest in the questions of social life, there are many quasi-philanthropic agencies springing up, working for the extension of what one class will term the privilege of the working man, and what the working man himself and those who are his friends will say are his rights. It is my opinion, founded on thirty-five years of actual experience, that these agencies are not philanthropic. I have heard many orators on behalf of such institutions stand up and tell of the awakened conscience of the employer which led him to do this or that for his men, but I have found that the best plaster for arousing an atrophied conscience to action is economic advantage, and that without economic advantage this so-called philanthropy does not work overtime. Show an economic reason for bettering the condition of the men, and the employer will run a foot race with another one to it, but you have to roll the apples ahead to start the foot race.

It would probably excite doubt if I told you what was the limit of service I have ever known performed by men continuously, but I am not making a statement that is not capable of absolute demonstration. I have known one case in which a train crew put in only two time slips in one calendar month, and were continuously on duty

except for one interval of a day and a half between the two trips, and the end of the month did not finish the second trip. The general manager of the railway upon which it happened, when I produced the time slips forty days after that, in a collective deal where ten general managers were representing forty-nine railways, identified the slips without my giving the name of the road, and added, "By heaven, I don't know whether they are in yet!" That was the outside limit.

In 1907 the conditions had become so difficult that we tried to correct them legislatively, and what is known as the hours of service act was passed, limiting the hours of train and engine men to sixteen. Every railway on the continent of any importance appeared before the Congressional committee and said it was absolutely impossible to operate a railroad with such a law in existence. And the same day that representatives of the railways made that statement here in Washington, a general managers' committee in Chicago, dealing for forty-nine western roads, offered to the president of the Brotherhood of Railroad Trainmen and myself to sign an ironbound agreement that they would in every instance release men after sixteen hours. Now, I do not know whether the representatives down here in Washington of one set of railroads, or the official representatives of the ones down yonder, were guilty of misrepresentation. I will leave that to you. We refused the agreement, and took the law. But here is how it has worked out, as shown by the companies themselves. In the late arbitration proceedings in New York, it was shown by the figures put in by the companies themselves that the average time of duty on fast freight trains, the choice trains, which men desire to run as a privilege, is nine hours and thirty-eight minutes. The fast freight is 28 per cent of the freight service on those roads. The other 72 per cent is slow freight, and the average slow through freight man is on duty eleven hours and forty minutes; the local freight man is on duty an average of twelve hours and four minutes, and the work and wreck train men, eleven hours and fifty-eight minutes. If you take into consideration all the millions of trains that are run, imagine what proportion of them must run close up to the sixteen-hour period, to make averages like those.

Now let us look at the cases which exceed sixteen hours, the legal period. This data is from the Interstate Commerce Commission,

and does not include figures for any road which has not within the year had more than twenty-five men who exceeded the sixteen-hour limit; all cases only twenty-five in number or fewer are disregarded.

For the fiscal year ending June 30, 1913, a total of 261,332 men are recorded as exceeding sixteen hours. But that does not tell you much unless you get the subdivisions of that 261,000. Seventy-one thousand of these cases were between sixteen and seventeen hours; 70,000 more between seventeen and eighteen hours; 40,000 above eighteen hours and less than nineteen hours; 15,000 above twenty and less than twenty-one hours. Then they run in the thousands until there were 1,095 cases above twenty-seven hours and less than twenty-eight hours. Then they run in hundreds until, when we get up to over forty hours and less than sixty-five hours, there were less than twenty-five instances in the year. And from sixty-five hours and upwards—they took the limit off—there were 213 instances. And they call this a civilized country!

The average railway official, when dealing with those figures, will throw them into percentages. He will say that less than 1 per cent of the trains were run above sixteen hours. That is true. But what comfort is that to these 261,000 men who worked more than sixteen hours? Have you ever thought, if there are 261,000 men working above sixteen hours, how many work above eight hours, which is a legitimate working period? An army of them, away in the millions. It means that probably one-third of the men engaged in train and engine service work in excess of ten or twelve hours.

The law of percentages is good, but does it give these 261,000 men rest? Does it return to life those who are slain through the men, from exhaustion, failing to perform the duty that is properly theirs? Take these men who work sixty-five hours and upwards, take the man who works forty hours; take it to yourself, what would you be worth after forty hours' continuous devotion to physical duty that is oppressive, not to mention the mental strain? That is the way to judge it. Put yourself in their place and then determine for yourself whether you desire to put life and property in charge of men who are worked to such an unnatural limit as this.

And what do you suppose it costs under the existing law to violate the law the number of times that it was violated? The 261,000 cases are not all violations, because some of them occurred through casualties. But the violations alone form an immense proportion

of that 261,000, and how much did they cost? A mere \$155,000 in fines.

That is in line with an incident which occurred once at a hearing before the Interstate Commerce Commission. An enthusiast on the part of the railway companies, who represented a refrigerator car concern, was protesting against certain improvements being made in the running-board of a train; he did not want to change the ice-box lid. He was so strenuous in his opposition to the plans that were presented by experts on our behalf, that at last we got him to testify before he knew it—but he withdrew it afterwards—that dressed beef was more valuable than live human flesh. There is the very condition that arises from the use of men excessive hours. It puts human life so low that it is cheaper to kill men and replace them than it is to release them.

Do excessive hours on duty bear any relation to the casualty list on a railway? How many of you ever have taken the trouble to find out how many men are killed and injured on a railway in a year? The public will go into spasms of indignation, and the newspapers will print columns when, through somebody's oversight, or through the failure of a railway to provide proper equipment or to enforce proper rules, ten passengers are slain. Have you ever thought of the army of employees who are slain and maimed every year?

From 1890 to 1912, inclusive, 63,105 railway employees were killed outright, of whom 36,728 were trainmen. From 1890 to 1912, 1,675,854, of whom 597,108 were trainmen, were killed and injured. Think of that! There have not been that many men killed and injured in war since 1890 in the world—and the figures I am giving you are for only one branch of industry. Moreover, there has been no decrease in this procession. In 1890 275,000 men were employed in train service, and 31,672 were killed or injured, or 114.84 men in every thousand. In 1912, 361,000 were employed, and 45,600 were killed or injured, 126 in every thousand.

Bring it down where you can grasp it. That is at the rate of 125 every day. You have been in session here two days and during that time 250 men have been injured in the railway service. In every one of the twenty-four hours of every day a man has been injured every twelve minutes; since I have been speaking, the stretcher has carried two men away. That is the way the injuring of employees goes on. Does this matter bear any relation to the question of hours on duty?

What has the producing power of the republic been deprived of? Take the lives that have gone out, the homes that have been destroyed, the hopes that have vanished, the paupers that have been made, the public charges that have been created, and see whether there is not a record here that will appall any man who takes an intelligent interest in the advancement of the country. While questions of conservation are being considered, are human brawn and human brain worth conserving, or are they to be thrust aside as of no value? You would not treat cattle that way, and you breed cattle in three years. It takes twenty years to breed a man. And any method of carrying on industry which wastes this most valuable national asset is, to use a phrase that is common in wage conferences, chimerical and uneconomic.

CONSTITUTIONAL ASPECTS OF HOUR LEGISLATION FOR MEN

ERNST FREUND

University of Chicago Law School.

The following propositions suggest themselves as a possible basis for legislation limiting hours of labor for adult employees where there are neither urgent considerations of health nor any danger to public safety as a consequence of decreased efficiency due to excessive fatigue:

(1) We should not claim, in view of recognized limitations and in view of the universal practice of legislation in other countries as well as in this, any unlimited power of the state to dictate hours of labor any more than to dictate the rate of wages or other economic terms of the labor contract.

(2) Under present conditions even an eight-hour day established by law would probably constitute an unwarranted invasion of the constitutional liberty of private action, and since such a proposition is for the time being not seriously put forward by any one it need not be further considered.

(3) On the other hand, a law establishing one day of rest in seven would find a perfect warrant in our present Sunday laws, the validity of which is recognized everywhere, for such a law would merely carry into effect the policy of Sunday legislation, and Sunday legislation differs from eight-hour legislation in that it merely protects and enforces customary standards, and does not invade the recognized canons of freedom but conserves them.

(4) In order to justify a legislative limitation of the work day it should be possible to find a basis similar in principle to that underlying the existing limitation of the working week. As a matter of fact such a limitation can be found in the statistics furnished by the United States government. As early as ten years ago they demonstrated the fact that a nation-wide custom had established a normal maximum work day in industry and that max-

imum was ten hours. The branches of industry in which that maximum is exceeded are relatively few and they suggest conditions which must, in some way or other, be either wrong or exceptional. The basis of constitutional legislation is thus clearly indicated. Like the one day rest in seven, the ten-hour day would not impose new standards but would enforce and protect customary standards.

(5) Like the one day of rest in seven a ten-hour law could be made general, thus steering clear of the danger of class legislation. The necessities of life and business, however, would call for relaxations of the general requirement in proper cases, in one law as well as in the other. The exceptions from the Sunday law have been expressed in such indefinite terms—works of charity and necessity—that the effective administration of the law has been seriously impaired and the problem of discovering a satisfactory and impartial formula for exceptions is the chief difficulty in the present one day of rest in seven movement. Similar difficulties will have to be confronted in providing for the exceptions to the ten-hour day.

(6) The necessary exceptions from the maximum of ten hours will probably have to be established in two ways: first, by excluding certain categories of employment entirely, and second, by making exceptions for other special classes of industry dependent upon findings of fact and administrative orders subject to judicial review. While the statute should indicate the guiding principles to be observed in granting exceptions, it should admit of flexible rulings, the main purpose of which would be to provide for the gradual introduction of the normal day, where the same, under present industrial conditions, is impracticable.

(7) The plan of legislation thus outlined is probably the safest from the point of view of present constitutional doctrine and of the probable attitude of the courts, for the freedom of private action would not be unduly interfered with by the imposition of new standards. The principle of selection would be divested of any arbitrariness and there would be every practicable guaranty of bringing about substantial justice in the relations between employer and employee. Even though a perfect solution might not be found immediately for every conceivable case the plan would be sufficiently flexible to allow revision of the conclusions until a satisfactory result was reached.

A law of this type would not make impossible demands upon legislative foresight and circumspection, while, on the other hand, action would not be staved off indefinitely upon the plea of the impossibility of finding an adequate solution for every difficulty at one and the same time. While it is true that such legislation would require a somewhat higher type of administrative organization than most states have as yet developed for dealing with labor problems, yet the time is rapidly approaching when additional administrative organization and power will be called for in any event for the handling of other phases of labor legislation.

GENERAL DISCUSSION

JOHN A. FITCH, *The Survey, New York City*: Since the United States Supreme Court decided adversely in the case of *Lochner vs. New York*, we have heard on every side that it is out of the question to urge legislation regulating hours of labor for adult males. Why are we so sure about that? Only twice in the history of our country has a law of this kind gone before the Supreme Court of the United States. In one case, *Holden vs. Hardy*, the court upheld the law; in the other case, *Lochner vs. New York*, it declared that the law was invalid. Only once has the Supreme Court thrown out such legislation and even then only by a majority of one. Because one man, on a single occasion in the entire history of our country, held the opinion that it was unconstitutional to limit the work of bakers to ten hours a day, we were driven into a panic and to this day have not recovered from it, notwithstanding the fact that other judges held a contrary opinion.

Let us briefly review the situation. Only a few laws regulating hours of labor of men have been passed on by the supreme courts of the states. There are, nevertheless, enough decisions so that certain fairly definite principles have been established. Three classes of hours-of-labor laws have been upheld.

First, you can regulate hours of labor on public work because the state or the municipality as employer has a right to determine the conditions under which it will offer employment.

Second, you can regulate hours of labor on railroads. Such laws are valid not because of any interest we may have in the railroad men themselves, but because we are likely, any of us—judges included—to get hurt if the men taking care of the trains on which we travel do not have a sufficient opportunity to rest.

Third, you can regulate hours of labor for men working in mines and smelters because of the special hazard incident to those employments. Not only on account of the accident hazard, but on account of the noxious gases in which men in those industries have to work, the Supreme Court held, in *Holden vs. Hardy*, that it was necessary for their work periods to be restricted.

The importance of this extension of the police power can scarcely be overestimated, and it should be carefully noted that when, later, the Supreme Court by a majority of one, nullified the bakers' law, it did not in that opinion destroy or change the principles laid down in Holden vs. Hardy. That fact has been too frequently overlooked. It has been assumed that the court reversed itself in the later decision. An examination of the two opinions will show that nothing of the sort was done. Instead the court was convinced of the need of regulation in the case of miners and was not convinced in the case of bakers.

What conclusion, then, shall we draw regarding the matter? That it is impossible—as we have assumed—to enact legislation regulating working hours for men that will stand the test of a court review? It seems to me on the contrary that every effort should be made to enact such legislation where there is need of it, and then if the legislation is attacked, to demonstrate that need to the courts. The difference between the miners' case and the bakers' case is that the need was somehow made apparent in the one case and not in the other. If conditions in bakeries had been discussed by the lawyers, instead of legal precedents, is it likely that one of the judges of the New York Court of Appeals in his dissenting opinion would have talked about the work of a baker and that of the housewife in her kitchen as being the same?

After all this lapse of time it seems to me that we ought to recover from the panic into which we were thrown by the decision in *Lochner vs. New York*. All of the recent decisions in the women's cases prove what can be done with facts instead of precedents. With the facts now available regarding the continuous industries it seems to me reasonable to begin now to urge the passage of eight-hour laws to apply wherever the alternative is a work period of twelve hours.

IRENE OSGOOD ANDREWS, *Association for Labor Legislation, New York City:* I wish to call the attention of those present to the decisions given recently in Mississippi upholding a ten-hour law for men in manufacturing or repair work. This law was passed in 1912 and has come twice before the state supreme court. In both cases the constitutionality of the law was upheld in opinions which follow the main argument in *Holden vs. Hardy* where an

eight-hour day for men in mines was sustained. In the Mississippi case the court declared:

When the legislature prohibited employers engaged in manufacturing from employing laborers for more than ten hours, we think it was the intention to promote the general welfare and protect the workers in that class of manufacture using machinery of a character which requires in its operation constant tension of mind and body. In other words, it was believed that there are manufactories in this state whose operatives could not work longer than ten consecutive hours without impairing their health, and without endangering their lives and their bodies, and yet, competition forced the laborer to take the risk or starve. Believing this, the legislature, in the exercise of the police power of the state, enacted the law under review.

LEONARD W. HATCH, Chief Statistician, New York State Department of Labor: I have been asked to say something about the new one day of rest in seven law in New York state, to which I shall add a word or two concerning another New York law of this year providing for rest periods in continuous work.

It is of interest to note that the one day of rest in seven act in New York was passed rather quietly. It escaped more attention because it was passed under the shadow, so to speak, of a large program of legislation reorganizing the state department of labor and extensively overhauling the factory laws as a result of the work of a special legislative commission. By contrast, widespread interest has since been manifested in the practical application of the law, as evidenced by a great number of inquiries addressed to the department of labor concerning the scope and effect of the act.

As far as appears, the general problem of enforcement of this law is not going to differ from that of enforcement of other factory and mercantile laws, although it is a new law and there has hardly been time, perhaps, to determine this definitely. The act applies only to factories and mercantile establishments, and as these are under inspection by the department of labor, enforcement will follow in the same course as enforcement of the other laws.

Two classes of questions have arisen under the law. One relates to its application. Many of the questions in this class which have come to the department seem to have arisen out of a lack of understanding that the law applies only to factories and mercantile establishments, this in turn being doubtless due to inaccurate press reports, which gave the impression that the new law applied to all occupations.

A number of other questions, however, have brought to light some occupations concerning which it was not clear before whether they were properly factories or mercantile establishments as these are defined in the law. In some of these cases it has been necessary to secure opinions from the attorney general, others being handled by departmental rulings. In all of this, there was really only what was to be expected in the case of a new law, the remedy being only a matter of further definition of terms.

A second class of questions has arisen in connection with the power lodged with the industrial board to grant exemptions from the law "for specified periods," "when the preservation of property, life or health requires." A number of requests for exemption have come to the board. Most of these have been denied, but one or two, under very specific limitations as to time, have been allowed. The experience thus far in this direction would seem to bear out what was said by another speaker, that some authority with power of this kind is highly desirable in connection with such a law.

The question of extending the law beyond factories and mercantile establishments has already been raised. It has been suggested that some employees now in the establishments under the law, as janitors, for example, work long hours and seven days, and would seem to need the law as much as others. It has been pointed out also that outside of the establishments now covered are many occupations, work in restaurants and lunch rooms for instance, with many employees needing the same protection. But this matter of extension of the law raises some preliminary questions as to provision for enforcement, not now existing, for new occupations to be covered. It would seem the part of wisdom to try the law in its present field, perhaps, and certainly to provide necessary means of enforcement for any new field as a condition of any extension.

The question of constitutionality has been raised in connection with one prosecution but was promptly abandoned upon its being brought to light that the defendant was working his employees long daily hours as well as seven days a week. The constitutional question is not at present, therefore, before the courts in such a way as to promise an authoritative decision thereon, although other prosecutions have been brought by the department. Whether the question will so come before the courts remains, therefore, to be seen.

Final conclusions as to the operation of the law must of course await longer experience. In the meantime there is accumulating much new information as to occupations in which seven-day work exists, and as to the problems involved in a readjustment of hours to a six-day basis. Speaking generally, while such readjustment irritates in some cases, of course, and is not always a perfectly simple matter even with honest intent to obey the law, no insuperable difficulties in the way of its successful operation are in sight, and the act bids fair to rank as an important step in advance in New York state.

New York state also added this year to an existing law which prescribed an eight-hour day for railroad block system telegraphers and telephone operators an amendment requiring for such employees "at least two days of twenty-four hours each in every calendar month for rest *with the usual compensation.*" Under this act the constitutional question has been squarely raised. One railroad in the state is observing the law but the others are not. A case has been brought against one of the latter and a fine has been imposed, but an appeal has been taken and it is understood that the defendant intends to carry this appeal through to the highest court, if necessary, on the issue of constitutionality. It is the provision which practically requires pay for the days of rest (although the employees in question are usually paid by the month) which is regarded as vulnerable on constitutional grounds under the due process clause. Unfortunately the prospect is that the appeal will take the regular course which will mean a considerable delay before a final decision will be secured.

T. J. SMITH, *Legislative Chairman, District 19, United Mine Workers of America, Knoxville, Tenn.*: I wish to say that I was elected by United Mine Workers' Local Union 890, of Soddy, Tenn., to come to this convention for the purpose of obtaining all the information possible of the aims of this Association and of the course you expected to pursue to obtain the results desired. I have listened with a good deal of interest to the addresses that have been delivered. I am in accord with and wish to endorse the ideas contained in these addresses (as far as they are practical) to ameliorate the conditions of the laboring class of this country.

I have had quite an extensive experience in this line in my district for several years, working before the legislature for my or-

ganization, advocating so-called labor laws which in reality affected the social wellbeing of thousands of people engaged in different industries of the country. I find we cannot be too careful in drafting any measure we wish to become a law, in order to prevent the courts from construing it to mean the opposite of what it was intended to mean.

One of the ladies, speaking of the opposition that seemed to exist against all legislation for the relief of women wage-earners, seemed to be unable to understand the reason. I want to relate an incident that occurred during this last year, when I was before a committee of the legislature, handling labor legislation. A bill providing for an eight-hour day for men was taken up by the committee, and by a unanimous vote it was reported for passage. The next bill considered provided a nine-hour day for women engaged in any mill, factory, laundry, store, or gainful occupation. This same committee, at the same sitting, rejected this measure, which would only give the same protection to the women wage-earners as they had agreed to give the men. In giving an explanation of why they rejected this bill, I stated that the only reason, as far as I could see, was that the women did not have a vote, therefore they were not afraid of their wrath, because they could not make it effective.

There is one thing pertaining to the decisions of the courts on laws affecting the social wellbeing of the laboring class that we have been unable to fathom: Why is it that under the common law, or judge made law, they can always find a precedent (and where none exists, create one) to declare all laws affecting labor unconstitutional, and very seldom render an opinion that will protect the lives and health of people engaged in the industries of this country, and why do they allow us to enter into a contract with our employers to do what they, in their decisions, say is unlawful, when we all know that we cannot dispense with the law by contract?

One more word, and I am done. If the courts of this land cannot find a precedent to sustain laws passed by the legislative bodies for the purpose of preserving the health, lives and limbs of employees engaged in the industries, then we will have to find some method to remove the judges, and to place men on the bench who will not treat the lives, health, and social conditions of the masses as a secondary consideration when so-called property rights are involved.

V

PROCEEDINGS OF BUSINESS MEETINGS

ANNUAL BUSINESS MEETING

The seventh annual business meeting of the Association was held at the Shoreham Hotel, Washington, on Wednesday morning, December 31, 1913, with President William F. Willoughby in the chair. A brief report of work for 1913 was given by Secretary John B. Andrews. (For this report see p. 146.) The treasurer's report was read, in the absence of Treasurer V. Everit Macy, and ordered audited. (For auditors' report see p. 158.)

Upon motion the president appointed the following:

Nominating Committee—Mr. Paul U. Kellogg, Professor Henry R. Seager, Dr. John B. Andrews.

Reports from the standing committees of the Association were received as follows:

Workmen's Compensation—Professor Henry R. Seager, chairman.

Industrial Hygiene—Mr. Frederick L. Hoffman, chairman.

Woman's Work—Irene Osgood Andrews, chairman.

Enforcement of Labor Laws—Professor William F. Willoughby, chairman.

One Day of Rest in Seven—Mr. John Fitch, chairman.

Social Insurance—Professor Seager, in the absence of Professor Edward T. Devine, chairman.

Standard Schedules and Tabulations—Mr. Leonard W. Hatch, chairman.

Further reports were received from the *Sub-committees on Brass Poisoning* and on *Nomenclature of Occupations* of the Committee on Industrial Hygiene, Dr. W. Gilman Thompson and Dr. Warren Coleman, chairmen, respectively.

Reports were also received from the Illinois, Massachusetts and Minnesota state branches of the Association, which the secretary asked leave to print.

Upon motion it was decided that the election of delegates to the congress of the International Association for Labor Legislation at Berne, Switzerland, in September, 1914, be entrusted to the Executive Committee.

Upon recommendation of the Executive Committee it was voted that owing to the increased size of the annual budget, arrangement should be made for audit of financial accounts at the close of the official year by expert accountants.

Mr. Miles M. Dawson secured the adoption of the following:

RESOLUTION ON OCCUPATION STATISTICS

WHEREAS it is stated in the annual report of the director of the census that material changes are proposed to be made in the publication of census information on occupations; and

WHEREAS such information is absolutely essential in the construction of occupational mortality tables and in the furtherance of the study of occupational diseases and accidents, and for the use of commissions on workmen's compensation, on prevention of industrial accidents and diseases, industrial boards and bureaus, and other public bodies dealing with these and related subjects; and

WHEREAS a special committee on census methods has recommended the abandonment of a complete and scientific tabulation and analysis of the occupational data originally collected and incompletely analyzed at great expense to the government; and

WHEREAS the present opportunity is the best possible for attaining the required information at the least expense, if the existing cards are subjected to a second run, and thus tabulated in the required manner by age and sex, and this opportunity will be immediately lost if this work be not done at this time; therefore be it

Resolved, That the American Association for Labor Legislation most earnestly protests against the proposed abandonment of the tabulation and analysis of the occupational data of the Thirteenth Census and therefore urgently calls upon Congress to make without delay the required provision for the preparation and publication of the same.

Professor Ernst Freund moved and secured the adoption of the following:

RESOLUTION ON A FEDERAL BUREAU OF LABOR SAFETY

WHEREAS there is pending in Congress a bill to create a Bureau of Labor Safety in the Department of Labor; and

WHEREAS it is desirable that the organization of any new phase of federal labor administration be planned with careful correlation of all governmental activities in the interest of labor; therefore be it

Resolved, That the American Association for Labor Legislation, in annual meeting assembled, expresses its hearty sympathy with the general object of the bill referred to, but that it also wishes a full consideration of the best methods of augmenting this service

with a view to standardizing safety methods and safety appliances, capable of being used in the administration of the state labor laws, and utilizing for this purpose the resources of the Bureau of Standards and the Bureau of Mines; and be it further

Resolved, That the Executive Committee and the officers of this Association use their efforts and influence to bring about legislation framed with these ends in view.

In view of the fact that to succeed Mr. V. Everit Macy, resigned, Mr. Adolph Lewisohn of New York City was elected treasurer for the year 1914, Professor Seager secured the adoption of the following:

**RESOLUTION IN REFERENCE TO MR. MACY'S RESIGNATION AS
TREASURER**

Resolved, That in accepting with regret the resignation of Mr. V. Everit Macy as treasurer, the American Association for Labor Legislation, in annual meeting assembled, desires to record its high appreciation of his valuable services to it and to the promotion of the "better labor laws, better enforced" for which it is striving. His ever prompt and generous response to demands both upon his time and upon his purse has contributed in no small degree to the success of the Association during these first years of its existence; and be it further

Resolved, That the secretary be directed to transmit a copy of this resolution to Mr. Macy.

Mr. Paul U. Kellogg secured the adoption of the following:

RESOLUTION ON COMPENSATION FOR NON-RESIDENT ALIENS

WHEREAS at its meeting in Chicago in June, 1910, this Association adopted a resolution condemning the discrimination contained in the laws of Pennsylvania and Wisconsin in reference to the employer's liability to non-resident dependents of workmen killed in industrial accidents; and

WHEREAS through legislation enacted in 1911 both of these states removed their discrimination; and

WHEREAS similar discrimination against non-resident dependents has been a feature of some of the state compensation laws and is contained in the federal bill submitted by the Sutherland commission; therefore be it

Resolved, That the American Association for Labor Legislation regards such discrimination as unnecessary and unjust and as calculated to put a premium on the employment of aliens whose families reside abroad, to the exclusion of American workmen, and that it directs its Executive Committee to use all legitimate means to secure the amendment of compensation laws already enacted or that may be enacted in the future so that they will extend equivalent rights to compensation to non-resident as to resident dependents of workmen who may be killed through industrial accidents; and be it further

Resolved, That the Committee on Workmen's Compensation be requested to make a comparative study of the compensation and employers' liability laws of the different states and submit a report thereon to the Executive Committee with a view to action designed to carry out the above resolution.

The Nominating Committee submitted its report, and upon motion the secretary cast the vote of the Association for the following officers, who were elected for the year 1914:

General Officers

President, HENRY R. SEAGER,
Columbia University.
Secretary, JOHN B. ANDREWS,
131 East 23d St., New York City.

Assistant Secretary, IRENE OSGOOD
ANDREWS.
Treasurer, ADOLPH LEWISOHN,
New York City.

Vice-Presidents

JANE ADDAMS, Chicago.
LOUIS D. BRANDEIS, Boston.
ROBERT W. DEFOREST, New York City.
RICHARD T. ELY, Madison, Wis.
SAMUEL GOMPERS, Washington, D. C.

MORTON D. HULL, Chicago.
J. W. JENKS, New York City.
PAUL M. WARBURG, New York City.
WOODROW WILSON, Washington, D. C.
STEPHEN S. WISE, New York City.

General Administrative Council (In addition to the officers.)

Felix Adler, New York City.
Caroline B. Alexander, Hoboken.
Magnus W. Alexander, Lynn.
Leo Arnstein, New York City.
George E. Barnett, Baltimore.
James D. Beck, Madison.
Victor L. Berger, Milwaukee.
George L. Berry, Rogersville, Tenn.
Allen T. Burns, Pittsburgh.
Daniel L. Cease, Cleveland.
Walter E. Clark, New York City.
E. J. Cornish, New York City.
Charles R. Crane, Chicago.
Miles M. Dawson, New York City.

Edwin W. De Leon, New York City.
Edward T. Devine, New York City.
Mary Dreier, Brooklyn.
Frank Duffy, Indianapolis.
James Duncan, Quincy, Mass.
Otto M. Eiditz, New York City.
Elizabeth G. Evans, Boston.
William P. Field, Pittsburgh.
Edward A. Filene, Boston.
Bernard Flexner, Chicago.
Lee K. Frankel, New York City.
John P. Frey, Cincinnati.
Andrew Furuseth, San Francisco.
Austin B. Garretson, Cedar Rapids.

Charles F. Gettemy, Boston.
Josephine Goldmark, New York City.
E. M. Grossman, St. Louis.
Alice Hamilton, Chicago.
Mrs. J. Borden Harriman, Washington.
Daniel Harris, New York City.
Henry J. Harris, Washington.
Leonard W. Hatch, Albany.
John Randolph Haynes, Los Angeles.
Rowland G. Hazard, Peace Dale, R. I.
Charles R. Henderson, Chicago.
Sam A. Lewisohn, New York City.
Owen R. Lovejoy, New York City.
James A. Lowell, Boston.
James M. Lynch, Albany.
Charles McCarthy, Madison.
William D. Mahon, Detroit.
John Martin, New York City.
Anne Morgan, New York City.
Oscar F. Nelson, Chicago.
Charles E. Ozanne, Cleveland.
Simon N. Patten, Philadelphia.
Jessica B. Peixotto, Berkeley, Cal.
A. J. Pillsbury, San Francisco.
Roscoe Pound, Cambridge.
William C. Redfield, Washington.
Mrs. Raymond Robins, Chicago.
I. M. Rubinow, New York City.
John A. Ryan, St. Paul.
J. G. Schmidlapp, Cincinnati.
F. W. Taussig, Cambridge.
W. Gilman Thompson, New York
City.
David Van Schaack, Hartford.
Maurice Wertheim, New York City.
William B. Wilson, Washington.
C. E.-A. Winslow, New York City.
Robert A. Woods, Boston.

MEETING OF THE GENERAL ADMINISTRATIVE COUNCIL

The adjournment of the annual business meeting was followed immediately by a short session of the General Administrative Council, which elected the following members of the Executive Committee:

JOHN R. COMMONS, Madison, Wis.
HENRY S. DENNISON, Boston.
HENRY W. FARNAM, New Haven.
ERNST FREUND, Chicago.
FREDERICK L. HOFFMAN, Newark, N. J.
PAUL U. KELLOGG, New York City.

SAMUEL McCUNE LINDSAY, New York
City.
ROYAL MEEKER, Washington, D. C.
JOHN MITCHELL, Mount Vernon,
N. Y.
CHARLES P. NEILL, New Brighton,
S. I.

The President and the Secretary.

MEETING OF AMERICAN SECTION ON UNEMPLOYMENT

At the close of the session on sickness insurance the annual meeting of the American Section of the International Association on Unemployment was held. Plans were made for holding the First National Conference on Unemployment in New York city early in the coming year, in cooperation with the Association for Labor Legislation, and the following officers were elected:

President, CHARLES R. CRANE, Chicago. *Secretary*, JOHN B. ANDREWS,
131 East 23d St., New York City.

Executive Committee

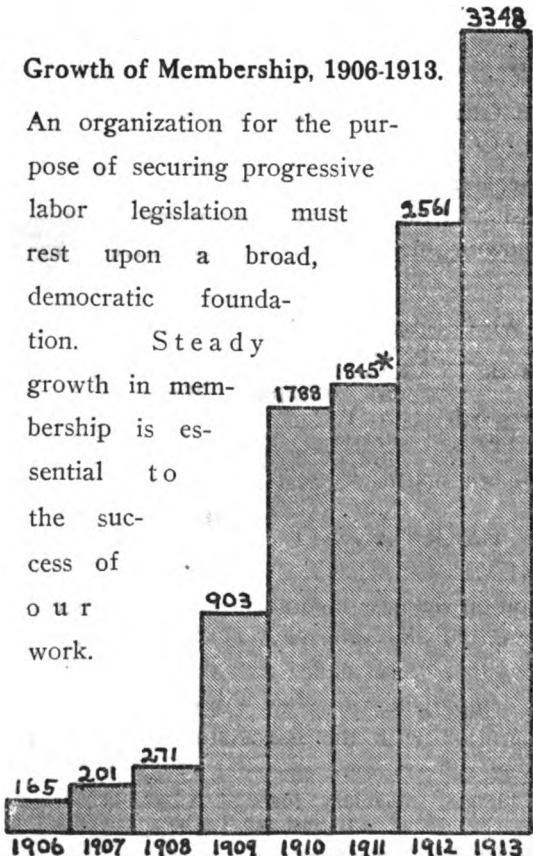
HENRY S. DENNISON, Boston. JOHN MITCHELL, Mt. Vernon, N. Y.
CHARLES P. NEILL, New Brighton, S. I. CHARLES R. HENDERSON, Chicago.
The President

OUTLINE OF WORK 1913

JOHN B. ANDREWS

Secretary, American Association for Labor Legislation

During 1913, the eighth year of its existence, the American Association for Labor Legislation has made solid and gratifying progress. Growth in membership and in influence has been marked, the organization is more and more becoming looked to as a clearing house for information on legislative matters relating to labor, and active educational campaigns in several states have led to the enactment of important measures for the protection of industrial workers.



ORGANIZATION

Membership: — At the sixth annual meeting one year ago our paid-up membership for 1912 was 2,561. It is now, for 1913, 3,348, an increase in the year of more than 30 per cent. The percentage of renewals this year is only 88 per cent, as compared with 93 per cent in 1912. Our present membership of 3,348 is therefore made up of about two-thirds (2,243) renewals and one-third (1,105) new members.

The eight years of the organization's existence have been marked by a contin-

* Minimum dues increased from \$1 to \$3, Jan. 1, 1911.

uous expansion of membership, as shown by the accompanying chart. This expansion demonstrates the vital place which the Association fills among American social movements.

With the exception of Alaska, we are represented in every territory, as well as in the Canal Zone, Cuba, Porto Rico, Hawaii, the Philippines, Canada, and several European countries. Among the subscribers to our **AMERICAN LABOR LEGISLATION REVIEW** are labor and health bureaus, industrial commissions, manufacturing and insurance companies, trade unions, civic and social organizations and women's clubs. Our influence is also reaching the general public and our coming citizens through 243 libraries which subscribe to our publications. These libraries are located in nearly every state in the union, in Canada, and even in Cuba and the Philippines. The largest number in any one state is in New York, where there are twenty-nine; twenty-one are located in Massachusetts, nineteen in Pennsylvania, fifteen in Ohio, and eleven in Illinois.

Of the 113 national and international unions affiliated with the American Federation of Labor, twenty are now subscribers to the publications of this Association. Ten state federations of labor and five city trades assemblies are also on our mailing list. An even closer connection between trade union bodies and the Association in future is forecast by the establishment of a legal department within the American Federation of Labor, and by the statements, now widely appearing in prominent labor journals, that to the time honored slogan "Agitate, educate, organize!" must be added a fourth word—"Legislate!"

Letters and notices to the number of 46,234 were sent to our members, thus keeping them in close and interested touch with the work. The purposes of the Association and the need for its existence have been explained through 138,440 letters and 184,600 pieces of literature, and the moral support of many who were unable to contribute financial aid has been gained.

Finances:—We started the year 1913 with a balance on hand of \$78.01 but with bills payable amounting to \$314.14 which meant an actual deficit of \$236.13. A budget for the year 1913 was submitted to the Executive Committee at its first meeting, on January 3. The committee voted to try to raise for the year \$38,700, and at the same time made provisional authorization for the expenditure by the

office of \$32,464. Two relatively large contributions in the preceding year were not available as renewals in 1913. But in spite of this handicap, and notwithstanding the depression in business, our members responded loyally to requests for financial support. Of the \$32,464 estimated expenditures at the beginning of the year, all but a little more than \$2,200 was finally raised in membership fees and contributions.

When it became apparent in the early autumn that subscriptions were diminishing, office expenditures were cut to the minimum, even to the extent of laying off one of our most valuable field investigators. With this unfortunate retrenchment, our bank balance would have been about even at the end of the year had it not been for the extraordinary session of the New York legislature and the unusual opportunity it offered for workmen's compensation legislation. For this special purpose in New York state alone during the year, in successful support of the constitutional amendment preceding its adoption on November 4, and the finally enacted compulsory workmen's compensation law which was passed on December 12, the expenditures from our treasury were about \$3,500. Retrenchments during the last quarter, amounting to about \$1,200, still left a threatening deficit of \$1,000.

Under the circumstances, to permit us to meet all bills payable on December 31, the end of our fiscal year, an advance was made to the Association of \$1,000. This advance of \$1,000 is a mortgage on next year's activities unless it can be replaced by additional contributions from other sources.¹

INVESTIGATION

During the year investigation in special fields of the Association's work has been mainly carried on through eight committees, to whose enthusiasm much of the twelvemonth's achievement is due.

Industrial Hygiene—Under the chairmanship of Mr. Frederick L. Hoffman the Committee on Industrial Hygiene and its sub-committees have carried on several important studies. Four meetings of the full committee have been held.

Progress has been made toward preparing an abbreviated but authoritative nomenclature of occupations for hospital, dispensary

¹ Through special contributions the deficit for the year was later reduced to \$589.87.

and other institutional use. Delay of the Census Office in publishing its volume on *Occupations*, with which conformity is desired, has seriously retarded this important work.

An investigation of brass poisoning in three large factories was made by Dr. W. Gilman Thompson, in company with Dr. Emery R. Hayhurst of the Ohio Board of Health and other experts.

Attention has been given to the manufacture of explosives. A study of governmental supervision of this hazardous industry in other countries has afforded a starting point for American action.

A preliminary investigation into the prevalence of anthrax has been conducted by the Secretary as a preparation for a thorough, detailed study of the subject.

A study of methods of preparing and handling ferro-silicon so as to reduce the dangers of poisoning was made by Mr. Charles Pellew, and will be submitted to the International Association as requested by that body.

An extensive study of the more important lead manufacturing and lead using plants in the country, to determine the safest methods of operation, was made by the Association's special investigator, Miss Lillian Erskine. Investigations into the prevalence of lead poisoning among workmen, and into the reporting of cases by physicians, were also carried on in several cities by Mr. Solon De Leon. A number of plants were visited by the Secretary, who also conferred with employers and employees in the lead trades and with state boards of health and of factory inspection.

One Day of Rest in Seven :—The Committee on One Day of Rest in Seven, Mr. John Fitch, chairman, was instrumental in drafting, after preliminary study, a standard one day rest law, and has given close attention to the problems arising out of its enforcement in the two states—Massachusetts and New York—where it was enacted. Three meetings of the committee were held.

Woman's Work :—Under the direction of the Woman's Work Committee, three investigations have been made: (1) a preliminary investigation into the industrial employment of women before and after childbirth, conducted by Miss Helen Schmidt and Dr. Fanny Dembo, in cooperation with the New York Board of Health and the New York Milk Committee; (2) cooperative direction of an intensive investigation of the effects of treadles and foot presses in laundries; (3) a preliminary investigation on the work of women

in the manufacture of incandescent lamps, by Dr. Fanny Dembo. There were two meetings of this committee, of which Irene Osgood Andrews is chairman.

Standard Schedules and Tabulations :—Suggestion by members of the Committee on Standard Schedules and Tabulations has furthered the wider adoption of our standard schedules for reporting industrial accidents and diseases, and enactment of the standard accident reporting law. Chairman Leonard W. Hatch of the committee reports the adoption of a plan of cooperation between the federal Bureau of Mines and the New York State Department of Labor whereby the statistics of accidents in mines and quarries desired by both offices are to be collected and tabulated by the New York office exclusively for both, thus abolishing much duplication of work and ensuring uniformity of results.

Social Insurance :—The Social Insurance Committee devoted six sessions, under the chairmanship of Professor Edward T. Devine, to deciding on methods of preparing the way for a comprehensive system of social insurance in the United States. One of its first cares was to formulate standards for the scale of compensation to be provided in American acts. It was agreed that:

- (1) The maximum rate of compensation for disability and for dependents in case of death should be fixed at not less than two-thirds of the wages;
- (2) Compensation for widows should last as long as widowhood lasts;
- (3) Compensation for orphans should last at least until the age of sixteen;
- (4) For disability, whether total or serious though partial, the compensation should be for the entire period of disability.

Through a member well versed in the methods of private insurance companies the **state insurance systems** of Ohio and Washington were investigated. In both cases very favorable impressions were recorded.

A sub-committee has been appointed to study the field and draft a bill for **sickness insurance**, preparatory to an active campaign in the states and in the national government.

Workmen's Compensation :—Two important tasks of the Committee on Workmen's Compensation during the year were determining the details of a measure providing just compensation for federal

employees incapacitated by accident or by occupational disease, and participating through the chairman, Professor Henry R. Seager, in the drafting of the compensation law enacted in New York on December 12. In both of these measures the standards agreed on by the Social Insurance Committee were utilized. The committee held six meetings during the year.

Unemployment :—In accordance with the plan adopted at the last annual meeting, the Association has worked, on the question of unemployment, in close affiliation with the American Section of the International Association on Unemployment, of which Professor Charles R. Henderson is chairman. The secretary of the American Section drafted an immediate program of action, prepared an American bibliography on unemployment to be included in the international bibliography on this subject to be published in English, French and German, under the direction of the international organization by the Municipal Library of Budapest, Hungary, analyzed existing legislation in the United States, prepared statistics of public employment bureaus, distributed information, collected and forwarded the dues of American members, and secured through special contributions a fund of a little more than \$1,100 to inaugurate a preliminary survey by the American Section.

In anticipation of a detailed study into the extent, causes and effects of unemployment a schedule has been prepared and given a preliminary try-out.

Enforcement of Labor Laws :—The work of the Committee on Enforcement of Labor Laws, of which President W. F. Willoughby is chairman, has in the main been performed through headquarters. The chief results of the year's study are embodied in Vol. III, No. 4, of the REVIEW, on Administration of Labor Laws.

In addition to the above named investigations, the Secretary and Assistant Secretary visited during the year nine state labor bureaus and many industrial establishments throughout the country.

EDUCATION

Bureau of Information :—The usefulness of the Bureau of Information has steadily developed throughout the year. Calls have come for information on almost every subject within the field of labor legislation, but especially on workmen's compensation, the minimum wage, woman's work and occupational diseases. Among

those from whom inquiries have come are boards of health, departments of labor, trade unions, editors of magazines and newspapers, political parties, consumers' leagues, minimum wage commissions, workmen's compensation commissions, and manufacturing and insurance companies, as well as individual members of the Association and many who were not members.

Two volunteer workers, Miss Florence Oppenheimer and Miss Grace J. Ellinger, have in addition to special research in connection with the work of the office given valuable assistance in securing the information needed by the bureau and in putting it in permanent form for future use.

Reference Library—Our specialized collection of books, papers, reports and pamphlets has been rendered more accessible by being completely classified and catalogued by an expert librarian. It is in almost constant use by the office staff and by members and friends, as well as by a growing number of newcomers who have been referred to our office as an authoritative source of information.

Exhibit on Occupational Diseases—The Association's photographic exhibit on industrial diseases was used during the year in Ohio, Maryland and New York, and is on constant exhibition at headquarters, where it arouses great interest in the subject of industrial hygiene. Photographs on special topics are continually being loaned to individuals, societies, magazines and newspapers.

Press Service—More than once a month, on the average, an extended article on some phase of the Association's activities has been sent to over 900 papers, magazines and labor journals. In addition to these, shorter notices and announcements are frequently sent to more restricted lists of papers for special purposes. In this way millions of persons have been kept informed of developments in the work. Ten special articles for leading magazines were written by members of the staff.

Public Addresses—A total of about twenty public addresses before important societies were made during the year by members of the staff.

Conferences—A large number of informal conferences to discuss various phases of the work, especially proposed legislation, have been held during the year at the Association's headquarters and elsewhere.

At the call of the American Medical Association, executive

officers of forty-seven of the most prominent national organizations, both governmental and private, which are interested in public health problems, met on April 12 at the Association's headquarters. Steps were taken toward uniting all the interested organizations on a common platform, without duplicating or interfering with the special work of each.

First American Conference on Social Insurance—An event of great educational importance was the holding on June 6-7 of the First American Conference on Social Insurance, at Chicago. Interest in the conference was widespread. Governors of the main industrial states appointed delegates to attend and the discussions were participated in by government and labor union officials, employers and many private insurance men. The press of the country reported the proceedings and there was extensive comment in the trade journals.

The addresses and discussions at this conference, together with a select American and European bibliography on social insurance, constitute Vol. III, No. 2, of our REVIEW. Valuable aid in planning the conference and carrying it to a successful conclusion was given by the Committee on Social Insurance, which has also assisted in formulating preliminary plans for the Ninth International Congress on Social Insurance, which will be held in this country in 1915.

General Administrative Council—Immediately after the Social Insurance Conference, the regular mid-year meeting of the General Administrative Council was held, with the following members present: W. F. Willoughby (President), Miles M. Dawson, Edwin W. De Leon, Edward T. Devine, Henry W. Farnam, Lee K. Frankel, Charles R. Henderson, Frederick L. Hoffman, Paul Kellogg, I. M. Rubinow, John A. Ryan, P. Tecumseh Sherman and John B. Andrews (Secretary). James H. Tufts and Graham Taylor were present as guests.

The Secretary submitted a resolution which was adopted, as follows:

WORKMEN'S COMPENSATION FOR EMPLOYEES OF THE UNITED STATES

WHEREAS the federal workmen's compensation act of May 30, 1908, is inadequate and fails to grant to the 400,000 civilian employees of the United States just compensation for the loss of limbs, health or life in the service of the nation; and

WHEREAS there has been drafted with great care to supplant the

present law a reasonable measure providing fair compensation for the thousands of men and women in government employments, (including navy yards, arsenals, fortification work, river and harbor work, forestry and reclamation service, and the government printing office, etc.) who are annually incapacitated through occupational accidents and diseases; and

WHEREAS this bill has been introduced in the United States Senate by the majority leader, Hon. John W. Kern; be it

Resolved, That the American Association for Labor Legislation, in conformity with its frequently declared purpose to work for fair and carefully drafted legislative standards, cordially invites the cooperation of all individuals and organizations sincerely interested in conserving the health, the lives and the efficiency of working men and women, and hereby pledges itself to work unceasingly for the enactment of the Kern compensation bill.

Mr. Hoffman introduced the following resolution which was adopted:

SICKNESS AND UNEMPLOYMENT INSURANCE

Resolved, By the Advisory Council of the American Association for Labor Legislation, at the close of the First American Conference on Social Insurance, that we most respectfully but urgently recommend to the Secretary of Labor that the Bureau of Labor Statistics, under his direction, be required to make a complete and thoroughly scientific investigation of sickness and unemployment insurance of wage-earners, with special reference, however, to the plans or methods in operation throughout the United States, and all matters pertinent thereto; and that a report upon the subject be made public by June 1, 1915, to become available for the information and use of the Ninth International Congress on Social Insurance, to be held that year in the United States on the invitation of Congress and under the auspices of the United States government.

The following resolution introduced by Mr. Dawson was unanimously adopted:

COMPARATIVE DISABILITY OF WAGE-EARNERS BY INDUSTRIES

Resolved, That the American Association for Labor Legislation urges the passage of the resolution offered by Senator Sheppard, of

Texas, that the Secretary of Labor be, and he is hereby, directed to investigate and report, as far as it is practicable, upon the mortality and disability by accident or by disease incident to or resulting from the various occupations in which the wage-earners of the United States are engaged.

Seventh Annual Meeting :—Our Seventh Annual Meeting should do much toward furthering our campaigns for sickness insurance, a hygienic workday and the other topics under discussion.

International Congresses :—At the conferences and congresses of the International Associations on Labor Legislation, on Unemployment and on Social Insurance, in September, 1913, the Association was fortunate in being represented by Professor Katharine Coman, the well-known economist and historian of Wellesley College.

Publications :—Our quarterly AMERICAN LABOR LEGISLATION REVIEW is rapidly growing in circulation and, we hope, in interest. Number 1 of Vol. III, the first issue for 1913, containing the proceedings of the Sixth Annual Meeting, was printed in an edition of 4,000, and was practically exhausted at once. Of No. 2, devoted to the addresses at the June Conference on Social Insurance and containing the select bibliography on that subject, 5,000 were printed. No. 3 was our annual review of labor legislation, an unusually full and important number this year, and 4,000 were printed, while of No. 4, presenting a comparative study of methods of labor law enforcement in this country, 4,500 were necessary.

Several thousand reprints of the minimum wage articles in Vol. III, No. 1, and of the report on one day of rest in seven in Vol. II, No. 4, were distributed to good advantage.

Four special leaflets giving standard bills drafted by the Association, with introductions thereto, a leaflet containing a comparison of the Kern (federal compensation) bill with European measures, and a number of reprints of helpful magazine articles and newspaper editorials were sent out, to the number of over 175,000 in all.

LEGISLATION

The year just passed has been remarkable both for the volume and for the progressiveness of its labor legislation. Forty-two state legislatures and the federal Congress were in session, and in all but one of these bodies some labor laws were enacted. Specially significant are laws in five states providing for the administration

of factory laws by a form of industrial commission, the extension to eight new states of minimum wage laws, and the enactment of workmen's compensation laws in seven additional states. Congress remodeled the act for conciliation in railway disputes and created the Department of Labor. In addition to cooperating in securing these laws, the Association had bills of its own introduced in several states. Perhaps the most important of these, the "cleanliness bill" for the prevention of occupational diseases, with special reference to lead poisoning, was adopted in Missouri and Pennsylvania, its main provisions were incorporated in a successful measure in Ohio, and it failed of enactment in a fourth state only through peremptory adjournment of the legislature after a long and eventful campaign in its favor. The Association bill providing for one day of rest in seven for factory and mercantile workers was adopted in Massachusetts and New York. The standard occupational disease reporting bill was enacted in Maine, Minnesota, New Hampshire and Ohio, while in Connecticut and New York the earlier list of reportable diseases was increased to include brass and wood-alcohol poisoning. These laws have been followed in most instances by the adoption of the Association's standard occupational disease certificate. Progress has also been made in securing the adoption of the standard accident reporting blank.

The officers of the Association were active in the drafting and passage of the New York workmen's compensation law, which for the first time embodies in an American act the compensation standards adopted by the Association. "The New York act", reports Chairman Seager of the Workmen's Compensation Committee, "sets a new standard in the field of state compensation legislation, and the most important work of the Association as regards compensation legislation will for some time be to advance the laws of other states of this standard." The federal employees' compensation bill, drafted by the Association and introduced by Senator John W. Kern, embodies the same standards, and is still before Congress.

Effective work in their respective territories was carried on by our state branches in Illinois, Massachusetts and Minnesota, and by the New York Legislative Committee.

In furtherance of our legislative campaigns, 46,136 letters and 118,158 pieces of literature have been mailed, inviting cooperation in securing beneficial laws.

The response has been gratifying, and the record of our achievements would be incomplete without a word of acknowledgement and thanks to the many organizations—civic clubs, women's organizations, consumers' leagues, trade unions, and the like—which have energetically helped to carry to a successful issue our campaigns for the better legal protection of labor. To the members of the Legislative Drafting Research Fund credit is also due for their painstaking and able preparation of measures according to the policies decided upon by the Association.

FINANCIAL STATEMENT

**STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS WITHIN THE PERIOD
FROM JANUARY 1, 1913, TO JANUARY 31, 1914, INCLUSIVE, AP-
PLICABLE TO THE YEAR ENDING DECEMBER 31, 1913**

	FUNDS			TOTAL
	State Branches	Unem- ployment	General	
<i>Balance, January 1, 1913, per cash book</i>	\$ 314.14		(\$ 236.13) ¹	\$ 78.01
<i>Receipts:</i>				
Membership contributions	\$1,309.60	\$1,135.00	\$30,054.49 ²	
Sale of literature			379.77	
Miscellaneous			83.09	
	\$1,309.60	\$1,135.00	\$30,517.35	32,961.95
	\$1,623.74	\$1,135.00	\$30,281.22	33,039.96
<i>Disbursements:</i>				
Salaries:				
Administrative		\$ 160.00	\$ 9,288.76	
Stenographic			3,419.94	
	\$ 160.00	\$12,708.70		
Printing		21.00	7,280.25	
Postage			4,001.55	
Rent			1,749.96	
Stationery and office supplies			1,250.82	
Traveling expenses		70.45	1,385.47	
Telegraph and telephone			345.12	
International dues		78.00	200.00	
Freight and express			166.80	
Books, clippings, etc			313.18	
Office expense			247.80	
Miscellaneous			161.44	
Transferred to state branches	\$1,623.74			
	\$1,623.74	\$330.42	\$29,871.09	31,825.25
<i>Balance, December 31, 1913, per cash book</i>		\$804.58	\$ 410.13	\$ 1,214.71

¹ Deficit.

² Of this sum, \$1,000 is an advance payment normally not due until 1914. Instead of the balance of \$410.13 shown by the statement, therefore, the Association in reality has a deficit of \$589.87.

PRICE, WATERHOUSE & CO.,
Chartered Accountants.

VI

INTERNATIONAL COMMUNICATIONS

APPEAL
of the
PERMANENT INTERNATIONAL COMMITTEE ON
SOCIAL INSURANCE

INTERNATIONAL ASSOCIATION FOR LABOR
LEGISLATION

INTERNATIONAL ASSOCIATION ON UNEMPLOYMENT

Paris, Basel, Ghent
1913

EDOUARD FUSTER

On Behalf of the Executive Committees

[*Translated by CHARLES RICHMOND HENDERSON*]

In those nations beyond the ocean which to-day compel the admiration of the world by their economic progress, a vigorous impetus of sympathy seems already to impel the best minds toward the policy of social security, the conservation of human energies, which old Europe has inaugurated. This movement we wish to see accelerated, this sympathy we wish to see become more general, and therefore our three associations unite in addressing to you this appeal, and in offering to you our cooperation.

These nations I speak of are privileged. They are young, they are full of the spirit of expansion. They look with legitimate pride to their economic future, the marvellous productivity of their soil, the irresistible growth of their transportation, of their building and of their industries, the incessant influx of immigrants, the high rate of wages, the general condition of wellbeing.

But they will not long be able to escape this conclusion, for which there is sad evidence: From the time when intense economic progress begins, there will be, unless precautions are taken—and no country escapes this rule—progress of human suffering. The exaltation of certain forces implies injury to the weak.

It is a rupture of the equilibrium of the social body. Complaints gradually multiplied, statistics of misery at first neglected soon reveal these inevitable facts: increase of unemployment and inadequacy of the provisions for placing workers, the want of adaptation to the work in which one is engaged, the waste of energy which results, the submission of the weaker to the hardest labor, the excessive duration of the work of all, the unwholesome condition of the workplace and the lack of protective devices against accidents and poisons, and, finally, the absence of protection of the wage-earner and his family in time of sickness and injury, with distress of the aged people used up in the service of industry.

Two of these facts—the hecatomb of human lives caused by the absence of protection against accidents, and the exhaustion of women or children employed in mills—appeal first to public opinion, as the most crying abuses, and take hold of statesmen. But it would be wrong to give exclusive attention to these urgent reforms, and to stop there, as some countries seem to do, believing the work to be accomplished. In reality, all the problems are already born, or soon will be: the country will pass through the entire series, soon or late. For what is the labor problem, in a large view, but the expression of the most profound and universal needs, those of human beings coming into the world in a state of extreme weakness, manual laborers rich only in their health?

These needs are felt by the workman from the time he begins work. He is interested simultaneously:

(1) In having a means of earning his livelihood, in learning, by virtue of a good organization of apprenticeship, a trade suitable to his aptitudes; then in constantly having employment by the aid of institutions created to make known to him places offered or to direct this search.

(2) In seeing that this work constitutes the normal play and not the overstrain of his energy; that it is organized under conditions favorable to health and safety; that it does not prematurely use up the feeble strength of growing persons, or destroy the health of women, by whom the family is maintained and future generations are reared.

(3) In being assured that on the day when, in spite of all precautions, the risks of labor have fallen upon him, suppressing his capacity to labor and bringing want to his home, a compensation will be paid to him or to his survivors.

Thus to the fundamental needs of workmen modern society ought to respond by three measures of reform: the combat against unemployment, the legal protection of workmen, the organization of social insurance.

The history of the last twenty-five years shows noble efforts of certain nations to respond, by law, by administrative regulations, by the intervention of local governments, by trades unions and mutual benefit associations, by the action of employers, to this triple and universal need. One after another of the nations has come to comprehend the value of a policy which, without discouraging economic initiative, or rather in its very interest, provides that the individual may have the largest possible enjoyment of his productive energy and that the people may be kept in health.

We are not ignorant of the difficulties, of the experiments with which this complex reform has been achieved, in the countries which have opened the road. It is the privilege of the nations more recently won to this policy to benefit by the experiments made elsewhere, to gather inspiration and obtain a clear view of all that should be done, instead of merely venturing upon fragmentary attempts. International information ought henceforth to be the guide to social policies.

Three great associations have been created to perform the task of giving this information, of sending out to the world the necessary literature, the results of experience, the ideas of the future. They correspond, by their program, to the three great needs which we have mentioned, and thus cover approximately the entire field of social politics.

These three associations are, in order of seniority, the Permanent International Committee on Social Insurance, the International Association for Labor Legislation, and the International Association on Unemployment.

In 1889 the first international Congress on Industrial Accidents established a Permanent International Committee which later became an International Association under the name of the Permanent International Committee on Social Insurance (Paris), which is devoted to the diffusion of knowledge upon legal and private experiments with insurance against sickness, invalidity, accident, old age, and premature death.

The following year, 1890, an international conference on the

protection of labor met in Berlin. It may be regarded as the point of departure of the efforts which issued in the creation of the International Association for Labor Legislation (Basel), an association which, supported by the International Labor Office established at Basel by a number of governments, has succeeded in carrying into the legislation of various countries the most fruitful measures of protection against certain unwholesome industries, the abuses of the work of women and children, etc.

Finally and recently the need has become apparent of devoting a new organization to the study of the problems of unemployment and the struggle with this evil. The International Association on Unemployment (Ghent), encouraged by its predecessors, labors now side by side with them.

The executive committees of these associations, convinced that the work of labor protection is a national necessity for your nation, as for all, and also convinced that for this work it is essential to have co-workers acquainted with all the elements of the problem, appeal to the persons most interested in the public welfare of your country. They offer to you their information, their publications, the means of propaganda which belong to their congresses and conferences, and the force which always results from the affiliation of great and disinterested organizations. And of these persons they request: first of all their own individual union with these associations, then an active effort to secure as recruits other members, and, finally, cooperation in establishing a national propaganda committee.

They are confident that those who are so good as to respond to this appeal will accomplish acts that make for social security, acts which are beneficial for their own country and an example to other countries.

PERMANENT EXECUTIVE COMMITTEE ON SOCIAL INSURANCE:

President: LÉON BOURGEOIS, Senator, former President of the Council of Ministers, Paris.

Vice-Presidents: FERRERO DI CAMBIANO, Deputy, President of the National Fund of Insurance against Accidents and Invalidity, Rome; C. R. HENDERSON, Professor at the University of Chicago; A. LINDSTEDT, Stockholm; VON MAYR, Professor at the University of Munich.

General Secretary: EDOUARD FUSTER, Professor in charge of courses at the College of France, Paris.

**EXECUTIVE COMMITTEE OF THE INTERNATIONAL ASSOCIATION FOR
LABOR LEGISLATION:**

President: H. SCHERRER, Councillor of State of the Canton of St. Gall, Councillor of the State of Switzerland.

Vice-President: A. LACHENAL, ex-President of the Swiss Federation, Councillor of the State of Switzerland.

General Secretary: STEPHEN BAUER, Professor at the University, Director of the International Labor Office, Vice-President of the Permanent Court of Conciliation and Arbitration at Basel.

**EXECUTIVE COMMITTEE OF THE INTERNATIONAL ASSOCIATION ON
UNEMPLOYMENT:**

President: LÉON BOURGEOIS, Senator, ex-President of the Council of Ministers, Paris.

Vice-Presidents: DR. RICHARD FREUND, President of the German Union of Employment Offices, Director of the Bureau of Invalidity, Berlin.

General Secretary: LOUIS VARLEZ, President of the Unemployment Fund and of the Labor Exchange of Ghent.

Associate General Secretary: DR. MAX LAZARD.

Treasurer: ANSEELE, Provost of the City of Ghent.

I. PERMANENT INTERNATIONAL COMMITTEE ON SOCIAL INSURANCE

1889-1913

In respect to the families of workingmen reduced to precarious means of living, whose existence is menaced by the suspension of income and increase of expenses, a certain result of disease, accident, invalidity, old age, involuntary unemployment, or the death of the head of the family, one duty is clear.

No longer must they be abandoned to the sole defense of isolated saving, private charity of employers or others, or public relief, a defense which is more or less uncertain and incomplete, and in all cases delayed.

On the contrary, by means of personal providence, rationally organized for mutual aid, made general if necessary by compulsion, augmented by the financial cooperation of employers and of the

nation, facilitated by public administration or control, they must be assured a reparation which is legally certain, technically guaranteed, and economically sufficient, for the risks which are most inevitable and heavy.

Furthermore, by means of this primarily and essentially compensative organization they must be offered a method of preventing if possible the risk itself; they must be educated to other more varied and personal acts of forethought.

In a word, to risks now considered to have origins and consequences more or less social, we must oppose the compensative, preventive and educative influence of social insurance!

This duty is first of all a humane one, but it is at the same time one whose accomplishment is indispensable to the economic prosperity of a country, to the conservation of its capital of health, to the maintenance of peace among its citizens!

This duty is so general and so clear that, in spite of the difficulty of the technical problems called forth, after a quarter of a century it is accepted "wherever men suffer", and in spite of differences of administration due to national customs, international treaties have established reciprocity of services, thus setting up universality of aid against universality of risk.

It was the need of a permanent source of information upon these universal problems and their solutions which led, in 1889, to the creation of the International Congresses on Social Insurance and of their Permanent Committee, which since then has become an international association.

When the first congress was held at Paris, in 1889, the protection of workmen by collective forethought was not an entirely new idea.

Almost everywhere there were in operation mutual benefit societies, which supplied a certain more or less temporary succor to the sick and the wounded, or, if their resources permitted, to the aged, widows, and the orphans. Some states had legislated to encourage these groups, or to guarantee the rights acquired by the members. Certain countries even offered, in order to facilitate thrift, the co-operation of national funds. Here and there, certain groups presenting special risks and great solidarity already benefitted by relatively perfect systems, by which an obligation to contribute was imposed on workmen and employers. Finally, if the corporation bond between master and journeyman had been broken, some employers none the

less endeavored to supplement the payment of wages from the managers' fund, admitting by this act that the industry carried a part of the responsibility of crises in the workman's family. The recognition of this "trade risk" was set in relief by legislation and judicial decisions, giving a special place to the accidents of industry by facilitating the methods of obtaining indemnity for the victims without proving the negligence of the employer.

But these institutions, or these attempts at institutions, were still only fragmentary in character; they left out vast groups, or neglected serious risks. It is in the trilogy of compulsory insurance laws of Germany, conceived at first as a general use of the ancient institutions established for miners, that we may see the beginnings of the new period.

The essentials of the German system were originally and still remain: (1) for sickness and petty accidents (1883) sharing of responsibility and of burdens between workmen and employers, and mutual administration by professional or local self-governing funds; (2) for serious accidents (1884) liability for compensation imposed on employers, together with the obligation to insure themselves on a mutual plan to guarantee the pensions due to victims; (3) for invalidity and old age (1889) division of responsibility between workmen, employers and the state, with wider organizations of mutual insurance. Furthermore, there was experimental legislation, adapted to needs by frequent modifications without abandoning the three different types of insurance adopted at the beginning.

This was the system from which Austria drew inspiration in 1887 and 1888 for its laws on accidents and on sickness, as well as, in 1889, for its law on invalidity, etc., of miners.

The other nations waited longer. But out of their own experience, as well as from the German reform, it became clear that the most urgent innovation was the organization of protection against accidents. It was a question both of preventing accidents and of lightening their economic consequences by the institution of employers' liability, with a system of guaranty of indemnities under the form of obligatory or encouraged employers' insurance.

Therefore, in 1889, some manufacturers, insurance men, and economists of France, together with some foreign specialists, met in Paris for the first congress. Organization of prevention, employers' liability, "serious fault," guaranty of indemnities, capitali-

zation or assessment, and, in particular, freedom or obligation of employers' insurance were the themes of a discussion which was occasionally passionate.

It was the same at Berne (1891), Milan (1894), Brussels (1897). But, dating from the congress of Berne, the question of accidents ceased to be the only one discussed. Other problems—old age pensions, insurance against invalidity, against occupational diseases, and even against unemployment—were placed before the congress. In the endless debates over voluntary or compulsory insurance were mingled practical studies on the diminution and prevention of risks.

A half-score years thus ran on, during which, in legislatures as well as in the congresses, all the essential problems of insurance, principally against accidents, were brought forward. The action of governments, more prompt in all that relates to the prevention of risks, was often, by reason of financial obstacles, more slow in relation to insurance.

Nevertheless, gradually, by the side of modifying and supplementary laws in Germany (sickness, 1892) and Austria (accidents, 1894), we see Norway (1894) and Finland (1895) create obligatory insurance against accidents; France started, though for miners only, obligatory sickness and old age insurance (1894). Great Britain limited itself (1897) to improving the system of employers' liability for accidents, and sickness insurance was promoted on a free and mutual basis by the laws of several countries (Denmark, 1892; Belgium, 1894; Great Britain, 1897; Finland, 1897).

The Paris congress of 1900, much more international than those preceding it in the number and variety of its members, became still more so by the discussion of various beginnings made after 1898, and of bills ready to be launched.

Thus, while at the end of 1897 the only states which extended obligatory insurance to all wage-earners were Germany (all three risks), Austria (sickness and accidents), Norway and Finland (accidents), Germany refashioned its accident and invalidity insurance in 1899 and 1900. Italy instituted obligatory insurance against accidents with free choice of insurance carriers (state, liability companies, mutual associations), and organized voluntary insurance against invalidity, subsidized from the state treasury (1898). France (1898-1899) organized compulsory compensation for accidents, which was placed more completely than in Germany in

charge of the employer and resulted in almost general insurance, either with liability companies, mutual associations, or state fund, with the intervention of a guaranty fund, and this country also introduced compulsory accident insurance for marines, in order that the campaign for mutual protection against sickness, old age and the like might be placed on a general basis of encouragement and subsidy. Belgium (1898) not only improved its legislation on mutual sickness insurance, but established (1900) a system of old age pensions on a mutual basis with a national fund, a system called since then the type of "subsidized liberty". Spain (1900) and Denmark (1898, 1900) legislated on voluntary insurance against accidents, and Great Britain (1900) advanced a step in this direction. Hungary (1900) established a system of insurance for agricultural laborers which was obligatory in respect to accidents and voluntary in respect to invalidity; while Switzerland rejected by referendum (1900) the obligatory insurance voted by the legislature.

Between 1900 and 1905, in addition to incessant modifications of previous laws made by all states, accident insurance was organized in Luxemburg (1902, on the German type, following obligatory sickness insurance, 1901); in Holland (1901, obligatory insurance, but with choice left to the person taking out insurance between state fund, liability companies, and mutual associations); in Sweden (1901, voluntary insurance, with state fund or other), and in Belgium (1903, voluntary insurance with companies and mutual associations and a guaranty fund). Obligatory accident insurance was also organized in Greece (1905, for miners), and in Denmark (1905, for marines).

Up to 1905, then,—apart from the German, Austrian, and Luxemburg laws (and the French law for miners) on obligatory sickness insurance, and the German laws (and the French law for miners) on obligatory invalidity insurance—effort was directed to guaranteed indemnity or obligatory insurance (more or less voluntary in relation to choice of fund) for accidents. For the rest, the states limited themselves to promoting the activity of mutual or state sickness or old age funds, and here and there to subsidizing voluntary efforts. From this time, however, social insurance went forward to new gains in these domains.

Not only, between 1906 and 1908, do we see Hungary organize (1907) an obligatory sickness and accident insurance of a more

centralized and bureaucratic type than the German models, while Spain (1908) creates voluntary subsidized old age insurance of the Belgian type, and Belgium (1908) passes to obligatory insurance to protect the old age of miners; but important innovations are realized. Austria (1906) establishes obligatory old age and invalidity insurance for private employees; Great Britain, while organizing compensation for accidents, joins to this compensation for occupational diseases. And finally, the same nation, adopting in 1908 an idea which had previously been used only in its Australian colonies (and in Europe under cover of a law for mere relief, in Denmark and France), projected before the world its system of old age pensions, paid by the state without any insurance, a simple system which the partisans of organized forethought could not permit to pass without protest.

These legislative innovations, like those which characterize the crowded work of the past five years, had been presented, advised, or opposed in the congresses on social insurance at Düsseldorf in 1902, at Vienna in 1905, at Rome in 1908, and in the subsequent conference at The Hague in 1910.

Meanwhile the traditional discussions over the principles of freedom or compulsion lost something of their bitterness, and in 1908 a sort of compromise seemed to be established: obligatory insurance appeared to be accepted as a *minimum of insurance*, to be imposed only on those who could not or would not voluntarily insure, and to relate only to *essential risks*; for the rest of the population, composed of interested persons who were either in better circumstances or more enlightened, it was held that voluntary insurance, with its more varied and elastic formulas, ought to intervene. Henceforth the newer general problems, the extension of the benefits of social insurance to the entire family of the workman, the direction of these institutions toward social hygiene, the combination of various forms of insurance or of different particular problems, death benefits, insurance against occupational diseases, maternity insurance, insurance of non-industrial employees, could engage the attention of the congresses and of the governments.

Since then legislative action has become intense. In 1909 Norway made sickness insurance obligatory. In 1910 Sweden organized this insurance, although leaving it, it is true, voluntary. In 1910, also, Servia was won to the cause, and enacted obligatory insurance

against sickness and accidents. Italy (1910) was the first to present the problem of obligatory maternity insurance through a state fund, in addition to sickness insurance, while France (1910) passed to obligatory old age insurance, allowing, however, the choice of mutual associations, public funds, or employers' funds. In 1910 Switzerland established obligatory accident insurance of every kind with a state fund, and at the same time voluntary mutual subsidized insurance against sickness, which the cantons may make obligatory. Germany, also, in reforming and codifying its laws, added to them an attempt to insure invalid widows and orphans, and by another obligatory invalidity law established a special insurance for private non-industrial employees. Luxembourg completed its trilogy of the German type with obligatory invalidity insurance. Finally, in 1911, Great Britain set on foot in a few months obligatory insurance against sickness and invalidity—old age had already been protected—with the aid of the mutual benefit associations and a new subsidiary régime for the non-insured.

In 1912 Roumania established obligatory sickness and accident insurance of a very professional and rather novel type, and Russia also brought both risks under obligatory insurance.

In 1913 Sweden introduced obligatory insurance against invalidity, with important modifications of the German model.

Finally, Holland and Norway have prepared for obligatory insurance against invalidity, Belgium—renouncing "subsidized liberty"—has passed a law for obligatory mutual insurance against sickness, invalidity and old age, Austria is on the point of reforming its sickness and invalidity insurance and of creating obligatory invalidity insurance by extending a system of pensions perhaps to independent persons.

In saying this we do not forget the considerable achievements of the English colonies and of numerous states of the United States, in establishing systems of compensation for accidents, which may well serve as points of departure for either voluntary or compulsory insurance.

The fact that all the great questions have come up, and that the legislatures of a large number of states have solved them, has led the Social Insurance Congresses to enter upon a new path. Meetings for work, more frequent and more and more devoted to prob-

lems of administration, and at the same time the activity of national committees, correspond better to the present needs than the great triennial congresses.

The constitution adopted at The Hague retains for the association the title of Permanent Committee because the nucleus remains the central committee. The committee is recruited by cooperation. Each nation can be represented there by one or more delegates, seven at most, besides the members finally chosen for the executive committee.

The national committees comprise at most fifty members each, besides the members of the central committee. They make international investigations, carry on propaganda, and also, as far as possible through the cooperation of their countrymen, study national questions which interest them.

Committees have been formed in France, Italy, Germany, Austria, Hungary, Switzerland, Belgium, Holland, Finland (in conjunction with the Association for Labor Legislation), Sweden, Denmark (in conjunction with the Association on Unemployment), Luxemburg, Roumania, and the United States; others are in process of organization.

The national committees have directed their principal efforts to securing the cooperation of public bodies. On the lists of France and Germany, for example, figure, with few exceptions, all the interested public bodies, ministries, accident insurance companies, invalidity insurance funds, the principal sickness insurance funds, and industrial associations.

These specialists, under the new régime of the association, are called together in conference every two years, or even each year, the more general congresses being held at longer intervals.

The conference at The Hague (1910), under the presidency of Monsieur Raymond Poincaré, then president of the committee, discussed medical attendance, insurance of non-industrial employees and of independent persons, insurance against unemployment, and the best methods of organizing pensions, that is to say, the respective merits of insurance and of pensions of the English type.

The conference at Dresden (1911), on the occasion of the International Hygienic Exposition, had for its primary object the study of questions of prevention.

At Zurich (1912) one further step toward the organization of permanent work was made. The conference adopted the main points of several investigations with which the national committees were occupied in 1913-1914. These look especially to:

(1) The estimate of the burdens which the workman's budget, industrial or national, has to support in connection with social insurance à propos of which the importance of the indirect economic and moral services rendered to the nation by insurance, which in some way offset these burdens, was shown at Zurich;

(2) The adjustment of the injured to their injuries;

(3) The extension of social insurance to "independent" working-men, that is to say: (a) to workmen with high wages; (b) to workmen of mixed status, such as the workers in home industries, those working for customers, and farmers on shares; (c) to independents proper with small incomes, such as artisans, peasants, and petty merchants;

(4) The organization of popular life insurance, the voluntary complement of social insurance; and

(5) The insurance of school children.

The conference projected for 1914, in expectation of the one which is planned for 1915 in the United States, will have for its object the examination of responses to these inquiries. These subjects, and the fact that the investigations of popular life insurance and insurance of school pupils were proposed by the German group, show how far an understanding is being arrived at between the different tendencies. The countries formerly averse to obligatory insurance have established this system; Germany reserves its opinion on the extension of its system to independent persons, or to new risks, and gives its acquiescence to the plan of voluntary popular insurance.

These investigations will be reported in the *Bulletin of Social Insurance*, the association's organ. This *Bulletin*, in addition to the texts of laws in all countries and its ordinary articles and records, furnishes since the summer of 1913 international statistics of accidents and the material, still too slight, which it possesses on international statistics of invalidity.

The faithful harmony between the committee and its co-workers for twenty-five years is explained by the spirit which has ever presided over their labors—impartiality.

II. INTERNATIONAL ASSOCIATION FOR LABOR LEGISLATION

1901-1913

In the measure that modern industry has been introduced into Europe, America, Australia and Asia, the question of labor conditions has unavoidably been raised. Was it right to permit the promoters of modern enterprises full liberty to dispose at pleasure, day and night, of the energies of working people, of whatever age or sex? Would enlightened self-interest without constraint lead the great employer to accord the leisure necessary for the education of children, for apprenticeship, for domestic life? Would wages always be sufficient to protect the workers against poverty?

In spite of the affirmations of theorists whose experiences were those of the ancient patriarchial régime under petty industry, the necessity of safeguarding the social health and national civilization compelled English statesmen in 1802 to restrict by law the working day of children, in 1833 that of young persons, and in 1847 that of women. This English legislation was introduced with some modifications in Prussia in 1839, in France in 1841, in Italy in 1845 (Lombardy) and in 1886, in Denmark and Spain in 1873, in Holland in 1874 and 1889, in Luxemburg in 1876, in Switzerland in 1877, in Sweden in 1881, in Russia in 1882, in Austria in 1885, in Belgium in 1889, in Portugal in 1891, and in Norway in 1892. We may say that since 1890 the principle of non-intervention of the state in labor conditions has been entirely abandoned in Europe.

About this time the necessity was felt of unifying the labor laws, which, in some countries, protected only young persons and children, in others included women, and in Switzerland, Austria, and Russia, applied even to men; of obtaining a maximum day of ten hours as in England, Sunday rest, protection for pregnant women, protection of workmen in the mines. Every time that these questions arose in the more advanced countries, the representatives of industry opposed the movement on the ground of international competition. In consequence, economists like Adolphe Blanqui, Daniel Legrand and A. de Villeneuve had since 1838 recommended international agreements for the protection of workmen. This idea was taken up by Switzerland and, its first attempts having failed in 1876, Emperor William II called the celebrated conference of 1890 at

Berlin. At this time, however, the ideas of legal protection of women, of men, of workmen in the mines and in dangerous occupations had scarcely begun to germinate in most European countries, and the conference did not succeed in obtaining international protection. Its views, however, were widely discussed, and were not without effect in German and French legislation. In 1891 appeared the encyclical *Rerum novarum* which has since served as a guide to Catholic conscience in matters of social politics.

In spite of these results the slow progress of social legislation in the decade which followed the Berlin conference decided statesmen, party leaders and economists of all countries to establish at the Paris Congress of 1900 the International Association for Labor Legislation. Switzerland, a neutral territory with advanced legislation, was chosen as the center of this association, which has the following aims :

- (1) To serve as a bond between those who in different industrial countries consider protective labor legislation to be necessary;
- (2) To organize an International Labor Office for the purpose of publishing in English, French and German a collection of the labor laws of all countries;
- (3) To facilitate the study of labor legislation in various countries, and in particular to furnish to members of the association information on laws in force and their administration in the various states;
- (4) To promote by the preparation of discussions or otherwise the study of the harmonization of various labor laws as well as of international statistics of labor;
- (5) To secure the holding of international congresses on labor legislation.

The International Labor Office, which assures the permanence of the work of the association by its publications and investigations, as well as by the *Bulletin of the International Labor Office*, was established at Basel in 1901. The association itself is now composed of fifteen national sections in the following countries: Germany, the United States of America, Austria, Hungary, Belgium, Denmark, Spain, Finland, France, Great Britain, Italy, Norway, Holland, Sweden and Switzerland. These national sections are composed of a minimum of fifteen persons, upon declaration that they intend to meet the obligations defined in the regulations of the International

Association and pay into its treasury an annual contribution of at least 1,000 francs.

Each national section has the right to appoint six members to the committee which holds a general assembly every two years, which elects from its members an executive committee composed of a president, a vice-president and a general secretary, and which also names the treasurer of the association. Every national section receives 100 copies of each publication of the international association and of the International Labor Office.

In countries which have not yet been able to form national sections, the individual members obtain the publications of the association by paying annual dues of 10 francs, but have no right of representation. The governments are also each invited to designate a delegate who has the same right in the committee as the other members.

At present the association comprises in the different countries 7,000 members and 24 governments which were represented in the last general assembly. These are all the European states (except Bulgaria, Servia and Montenegro), besides the United States, Mexico and the Australian Confederation. The governments grant subsidies to the International Labor Office, whose present budget calls for 90,000 francs, including 16,000 francs furnished by the contributions of the fifteen sections; 67,800 francs come from nineteen governments. The expenses of the International Labor Office are 78,000 francs, and of the International Association 7,500 francs annually. The countries with which the association desires to enter relations are, in Europe: Roumania, Russia, the Balkan States, Turkey and Egypt; in Asia: China, Japan, India; in America: the Latin Republics.

The rapid extension of the association is due above all to its widespread activity. The following are some of its more important accomplishments, arranged in chronological order:

1901.—*The constituent assembly, at Basel.*—Investigation by the International Labor Office into night work of women in industry, and into the campaign against industrial poisons, notably those containing lead and white phosphorus; comparative studies of social insurance of foreign workmen.

1902.—*Second assembly, at Cologne.*—Discussion of the results of this investigation; publication of the first volume of the *Bulletin of the International Labor Office*.

1903.—Publication of the investigations (Jena, Gustav Fischer) under the titles "Night Work of Women in Industry" and "The Unwholesome Industries." Special commission at Basel: decision to ask the Federal Council of the Swiss Confederation to call an international conference to suppress match makers' necrosis by the prohibition of white phosphorus in industry, and to suppress the night work of women in industry and grant them an uninterrupted rest of twelve hours; investigation of home industries.

1904.—*First joint labor treaty signed by France and Italy. Third assembly, at Basel.*—Investigation into the suppression of night work for young persons and into the maximum workday for adults. Prizes offered for the best works on the prevention of industrial lead poisoning. Declaration that no discrimination should be made against beneficiaries of social insurance and of workmen's compensation laws on the ground of nationality, domicile or residence.

1905.—*Conclusion of treaties on equivalents in social insurance inspired by this principle* (Belgium-Luxemburg, Luxemburg-Germany, followed up to 1912 by nine other treaties). Convocation of the international conference for labor legislation at Berne. Establishment of the basis of international agreement on the prohibition of the work of women employed in industry.

1906.—*Diplomatic conference for labor protection, meeting at Berne. Agreements of Berne of September 26, 1906. Fourth assembly of the association, at Geneva.* Decision to protect young workmen against night work up to the age of eighteen years; investigations into the protection of wages in home industries, and into the work of children.

1907.—Investigations into the enforcement of the labor laws in the different states and the duration of labor in mines.

1908.—Special commission on the prohibition of night work of young workmen. *Fifth assembly, at Lucerne.* Decision to study the question of the organization of committees on minimum wages in home industries and of international negotiations with reference to the regulation of labor in embroidery. Maximum duration of eight hours' labor for workmen in coal mines. Study into the definition from a technical point of view of the calculation of these eight hours of labor. Suppression of the employment of lead paint in interior finish. Restrictions of the use of lead glazes in the ceramic industries. Investigations into regulations for the protection of

workers in the polygraphic industries and in caissons. Preparation of a list of industrial poisons. Demonstration of the automatic coupling of cars to avoid accidents to employees.

1910.—*Sixth assembly, at Lugano.*—Decision to cooperate with the International Association on Unemployment and the Permanent Committee on Social Insurance. Sub-commission on the prohibition of night work of young persons and for the maximum day of ten hours for women in industry. Special commission on the duration of labor in the continuous industries and in specially dangerous industries. Detailed rules for hygiene in the ceramic and typographical industries and for work in caissons. Report on the introduction of automatic couplers on railways.

1911.—Publication of the first report on factory inspection in Europe (*First Report on the Administration of Labor Laws*, Paris, Berger-Levrault). Petition to all the mining states in relation to a maximum day of eight hours for all workmen employed in mines, and the legal definition of shifts.

1912.—Publication of the list of industrial poisons. Acceptance by the United States and by Mexico of prohibition of the use of white phosphorus in the manufacture and sale of matches; the acceptance by several states of the United States of the principle of non-discrimination in social insurance of foreign workmen. Meeting in London of the special commission on the duration of labor in the continuous industries. *Seventh general assembly, at Zurich* ("social week" of the three associations). International basis for the convocation of a second diplomatic conference for labor protection (maximum day of ten hours for women and young workmen and prohibition of night work of young workmen). Petition for an international commission on the reform of statistics relative to the administration of labor laws. Sub-commission to prepare the basis of an international agreement on the English week (Saturday half-holiday). Resolution relating to the convocation of an international conference to introduce the eight-hour day and the fifty-six hour week in large iron and steel works, and a weekly rest of twenty-four hours without interruption in glass works. Investigation into the protection of railway and of harbor workers. Request for an international regulation of the maximum day in embroidery, in consequence of the use of automatic machines. Sub-commission to prepare an international agreement in relation to the prevention

of ankylostomiasis, and to protect miners and workmen in tunnels and caissons. Sub-commission on anthrax and mercury poisoning. Principles of non-discrimination in sickness and invalidity insurance. Preliminary efforts to obtain international statistics of mortality and morbidity in industry. International study of labor laws (conciliation, arbitration, studies of the agricultural labor contract in countries of emigration and immigration).

1913.—*Convocation of the second international conference for labor protection, at Berne*, intended to establish the basis of an international agreement on the prohibition of night work of young workmen employed in industry and of the introduction of a maximum day of ten hours for women and for young workmen. Convocation of an international commission for the reform of the statistics of factory inspection.

This chronological table, in which we have limited ourselves to enumerating the questions which were at once the most important and absorbing for the association, gives information on the influence which this activity has exerted on national legislation in the different countries. This activity has resulted in the introduction of protection for women in Belgium, Spain, Luxemburg, Portugal and Sweden, countries in which night work of women had previously been allowed; by the convention prohibiting white phosphorus, phosphorus necrosis has been suppressed in Germany, Great Britian, Italy, Luxemburg, Austria, Hungary, the United States of America, Australia, Mexico, India, and will soon be suppressed in Belgium and Norway; the use of lead in interior painting of buildings has been prohibited in France and Austria, and by this measure lead poisoning has greatly diminished in these countries; the eight-hour day has been introduced in coal mines in England and in the gold mines of the South African Union.

The organization of the international association has made it possible to prepare international memorials which the executive committee, with the aid of specialists, could submit to the Swiss Federal Council; the government has graciously seconded this activity by lending to the association the cooperation of eminent officials and factory inspectors. All the decisions and resolutions are prepared by the reports of sections, and those on social hygiene by a permanent council of social hygiene.

Scientific spirit, political neutrality and international solidarity

are the three great principles by which the International Association for Labor Legislation has always been inspired.

III. INTERNATIONAL ASSOCIATION ON UNEMPLOYMENT

1910-1913

The International Association on Unemployment was established September 1, 1910, as a result of the International Conference on Unemployment at Paris, at which were represented officially more than twenty governments and fifty other public bodies, as well as a great number of important groups of professional persons, employers, workmen and scientific men of all countries. On the invitation of the city of Ghent, Belgium, the central office was established in that city.

The association has taken for its program the combat against involuntary unemployment in all its forms.

Of all social miseries which strike the workers there is probably none which they feel more painfully, whose consequences are more injurious, and for which an adequate remedy is more difficult to apply.

In all countries unemployment, that is to say, the loss of balance between demand and supply of labor, appears with industrial progress and develops with it. In one place it appears in the ordinary form of an army of out-of-works, sometimes more, sometimes less numerous, but permanent and seeking employment; in another place it appears under the form of industries powerless to recruit their labor force, obliged to shut down or retrench from lack of workers. Here, the workman out of work resignedly gives up effort and becomes a pauper, while elsewhere he revolts or abandons a fatherland which cannot assure him labor under satisfactory conditions. All these manifestations are equally lamentable for the country whose harmonious development requires a healthy and abundant population and numerous and active industries. The evils caused to the mother country are not always balanced by the profit to the country of immigration, where the anarchical, irregular and impulsive arrival of immigrants is often the cause of suffering to the native population; in these lands industrial crises, brought on by badly

regulated and badly understood immigration, are often as much more hurtful as chronic unemployment there is less frequent.

Remedies are difficult to apply and require great prudence. Excessive generosity, a very natural feeling, tends to injure the unemployed persons' sense of responsibility and to encourage fraud, while systematic severity or cruel indifference is more odious and dangerous because it punishes the individuals for conditions for which they are often not responsible and creates a legitimate sentiment of discontent and revolt.

These special difficulties have attracted the attention of the Association on Unemployment, which has united in a few months a good thousand international adherents. The importance of this number is manifest, especially if we consider that it is not so much individuals as public bodies and associations which have been solicited and have joined us. As distinguished from the older societies the Association on Unemployment appeals particularly to regional and local bodies.

Without doubt, legislative action is powerful in matters of unemployment. The policy of encouragement or of repression of emigration and immigration is almost exclusively in the hands of governments. In matters of obligatory insurance against unemployment, as for the organization of great public works, it is especially of the central power that we think, and in almost all aspects of the combat against unemployment the government has its rôle to fill.

But this action is not exclusive, it is not the principal factor in most countries. Here the local and regional authorities have an essential rôle:—the practical organization of the labor market, the creation of labor exchanges, the carrying on of relief works, the institution of unemployment funds, the opening of trade schools, vocational guidance, the development of complementary technical instruction, the action of public relief, give to local communities a field of action as vast as that of the state. The district administrations, interested more especially in questions of aid to traveling workmen, organization of the labor market between towns, the back-to-the-land policy, the repression of vagabondage, of verification by local authorities, have an increasing importance in this field. The campaign of the international association does not turn entirely to public bodies. As our President, Monsieur Léon Bourgeois, justly said in closing the labors of the conference at Paris

which created the association: "The trade union is, if I am not deceived, the veritable victor in this conference; without it we could do nothing of value, without it nothing effective will be done in the combat against unemployment. In the eyes of prejudice the trade union armor seems heavy and even dangerous. One regrets to see the living energies of the nation run in this anonymous mould of collective action. It is true that living matter does not bend its form without some shocks. But let us go forward to the end, and we shall see in the heart of the trade union harmony and fecundity develop as at the bottom of the crucible the precious metal is deposited".

This primacy belongs to the unions of wage-earners as well as to those of employers. Not only have the labor unions thus far been the best organizers of unemployment insurance, and the only authorized representatives of the trade interests of wage-earners, but their policies in regard to apprentices, regulation of hours of labor, wages and restriction of output exercise an incontestable influence on unemployment. As to the employers' associations it is needless to repeat that they have under their hands, by control of production, the most effective means of bringing crises under mastery and of assuring the good condition of the labor market. The understanding between these two groups of organizations in the impartial committees of the labor exchanges and in the mixed committees for the framing of collective contracts assures to them a continually more effective and fruitful action in our affairs.

It is the coordination and cooperation of these elements which constitutes the almost unlimited program of activity of the Association on Unemployment.

It is not only in the capitals and in parliaments that we recruit the membership of the association, but in all corners of the country, in great cities as well as in provinces, in employers' associations as well as in workmen's associations, wherever there are people who suffer from the disturbed equilibrium of production.

From this time the principal active forces in the combat against unemployment are grouped about our association, whose program concerns the countries of the younger as much as it does those of the more ancient civilization.

Two years after its constitution the association has already realized, both on the international and national domain, an important part of the program which was assigned to it.

A permanent international secretary's office is organized at Ghent. It centralizes, classifies and holds in readiness for interested persons the many documents and information relative to the various aspects of the combat against unemployment, notably on migrations, insurance, employment bureaus, statistics, etc. Some international investigations have already been carried out on points under discussion, and the governments which joined us in the Paris conference have effectively aided us in gathering the facts.

Various publications, of which we will be happy to send you copies on application, have been issued; for two years our association has published an important quarterly bulletin which constitutes the most complete collection of material in relation to unemployment; each number is devoted to a special subject and forms a volume of 300 pages on the average. A collection of documents is also kept at Paris, where the publications are issued.

Numerous consultations have been granted, and repeated applications to public authorities have helped to give a special importance to the combat against unemployment in most countries.

It is really on the national territory, above all, that the program of action must be realized. We cannot here enter into the details of the propaganda, which are different for each country, but in order to make known their importance and success, to demonstrate the interest which is everywhere attached to the enterprise, it will suffice to say that special sections have been constituted in seventeen countries (Germany, Austria, Hungary, Belgium, Spain, the United States, Finland, France, Great Britain, Italy, Luxembourg, Norway, Holland, Denmark, Servia, Sweden, and Switzerland), that other sections are about ready for organization, and that, in most of these countries, the public value of the association has already been recognized by government subsidies and cooperation by the principal cities. Thus almost all the capital cities of the world are affiliated with the association. In all civilized countries the interest in unemployment increases rapidly, to such a degree that by the side of our international and official bulletin a half-dozen national reviews have been created for the study of the problems in the countries themselves.

The topic for discussion in the immediate future for the International Association on Unemployment is the question of emigration, which specially concerns new countries. This study will be

undertaken in common with the International Associations for Labor Legislation and Social Insurance. In essence this question is international; it is of concern to the most diverse countries, and brings into contact countries of the new and the old civilization whose points of view in matters of emigration, reflected in legislation, merit a profound examination through discussion of all sides, in which all legitimate interests involved will be considered. The examination renders the cooperation of countries of immigration particularly necessary at this time.

The question of adequate organization of employment bureaus occupies the attention of public officials as well as employers and workmen; it has its importance in new lands, where the development of industry and agriculture is recent, as well as in those where it is old; it is one of the social problems of our age. Our association has placed this question also in the first rank of its studies; an international study, in which it is desirable that your country participate, is in progress. Conclusions as to the best means of developing labor exchanges of public utility are requested of our sections and a complete international discussion of the question is prepared for the general assembly of our association at Ghent at the beginning of September, 1913.¹

All recognize that public works exercise a real influence on unemployment. But they are often undertaken at haphazard without consideration for the state of the labor market. Our association is working at a plan which will serve the general welfare through the undertakings which too often contribute by their disorder to produce the evil which they are designed to avoid.

At its last meeting the international committee decided to introduce into its discussions the question of unemployment insurance, which, more than any other, arouses the passionate interest of workmen in western Europe. In almost all the sections this question has been the object of ardent debates and interesting proposals, which proves how the matter has progressed since the theoretical debates at the Paris Conference on Unemployment, when the association was formed. The study of this question, at first limited to certain countries, extends little by little to all.

One after another the Association on Unemployment goes deeply

¹ Now published. For copies address John B. Andrews, Secretary American Section on Unemployment, 131 East 23d Street, New York City.

into the questions which belong to it. It would be easy to enumerate many beginnings due to its action or to that of its national sections, relating especially to matters which the bulletin of the Association has already studied in a careful manner, notably insurance, employment bureaus, apprenticeship, migration, and aid to the unemployed.

As to questions of a scientific order, they are the object of special studies, and important works on statistics and bibliography are now in course of publication, separately or in cooperation with various scientific institutions.

INTERNATIONAL ORGANIZATION OF SOCIAL POLICIES¹

LEON BOURGEOIS

President, Permanent Committee on Social Insurance; President, International Association on Unemployment

[*Translated by CHARLES RICHMOND HENDERSON*]

When the president of the committee on congresses and lectures of the International Exposition of Ghent, my eminent colleague at the Hague Congress, Mr. Van den Heuvel, Minister of State, did me the honor of asking me to lecture before you, I at once recalled the cordial reception which your city two years ago gave to the Association on Unemployment and its president, and I seized with joy the opportunity to bring to your city, glorious with its splendid exposition, the declaration of our gratitude.

The reasons which Mr. Van den Heuvel was good enough to give touched me deeply. "The Congress on Unemployment", he wrote me, "will meet in Ghent in September. Will you not consent to speak of the grand effort which it is making to prevent this terrible evil and provide a remedy?" And Mr. Van Heuvel expressed the generous hope that our meeting this evening "would contribute to the success of the congress and the cause of solidarity which it champions."

There were many good reasons, in spite of the precarious condition of my health and of my sight, for me to accept this invitation; and once the decision was made, the thought, perhaps somewhat bold, came to me to extend the scope of our discussion and to examine with you, in its totality, the problem of international organization of social programs.

As last year at Zurich, at the time of our first "social week", so now we have the good fortune to find meeting in Ghent, on the occasion of the Congress on Unemployment, the representatives of two other great international associations, those for Labor Legislation

¹ Address delivered at the Universal Exposition at Ghent, September 6, 1913.

and Social Insurance. Is not the moment favorable to attack in its whole range a problem so vast that it seems ambitious in me to propose it, but which nevertheless imposes itself on us so urgently that it is scarcely possible for statesmen who are careful for the future of our modern society to delay its methodical and profound examination?

NECESSITY OF AN INTERNATIONAL SOCIAL POLICY

Much has been said of the revolution which has taken place during the last century in the conditions of human toil. The transformation of the globe by the innumerable scientific discoveries of the period, the prodigious activity of life, the accumulation of capital which places the labor market at a given moment in the hands of certain men, the increasing sharpness of national and international competition, the incalculable force given to each of the economic movements by the collective organization of capital as well as of labor—all these causes have in all countries gradually placed social questions in the foreground. An altogether new conception of the relations of individual and society has slowly been outlined, of which it is now possible to show the influence on national legislation as well as on that universal legislation which international treaties are unceasingly expanding.

The intense scientific and economic progress which we admire is far from having diminished human suffering. In the appeal which General Secretary Fuster of the Association on Social Insurance made to our congress some days ago, he clearly noted the terrible consequences of modern development. "The exaltation of certain forces", he said, "has worked to the detriment of the weak". He enumerated the increase in unemployment, the inefficiency of employment bureaus, the failure to adapt one's work to his ability, the resultant waste of energy, the subjection of the weak to rough work, the universal excessive duration of labor, the unwholesome shop arrangements, the lack of preventive devices against accidents and industrial poisons, the absence of protection for wage-earners and their families after sickness and accident, the distress of the aged used up in the service of industry. How many dolorous facts, which only twenty years ago seemed inevitable! What cruel statistics of a misery the sight of which chokes us, whose memory haunts all whose spirit is not insensible to injustice, whose heart is moved

by the pain of others! How can we avoid resolving to combat energetically with the aid of the new forces which science has placed at man's disposal, and to conquer, if possible, this mass of evils, to dissolve these "statistics of misery" which render even more intolerable the excessive luxury, the deplorable indolence and the insolent insensibility of some persons?

There could not be a revolution in the economic world to which there did not correspond a revolution in the intellectual and moral world. A new manner of thinking gradually worked itself clear from the old controversies. The close interdependence which in all the acts of life binds men to their kind at last stood out boldly, and the inescapable solidarity of facts led men to recognize the necessity of a solidarity of obligations and rights, without which no human society could live in harmony and peace.

To think thus, gentlemen, was to recognize the existence of *social evils*, that is to say, of evils whose causes are not in the individual himself, but in the social conditions in which he must live, and whose effects in their turn do not stop with him, but affect his family, his surroundings and even society as a whole; of troubles innumerable which bear upon the existence of all citizens, for which none can be considered personally responsible and of which one bears his share of the terrible consequences, while the entire state suffers in the suffering of each. The idea grew upon men to *remedy social evils by social effort*, that is by a collective organization, not of relief, but of insurance and provision common to all, since all run the same risks and each might sometime be a victim of the same evils.

Public and private relief extended their resources and improved their methods. But the act of relief no longer appeared to any one sufficient. To relieve is to wait until the evil has befallen, to attempt to repair it. To relieve is to wait until misery has come, to give alms to the miserable. But alms remains at best a meritorious deed, not a social act.

In order that an act may be social, two conditions are essential:

Morally, it must have a certain element of reciprocity; it must be the accomplishment of a mutual obligation, the acquittal of a charge which all in a genuine social state should accept.

Practically, it must be efficacious. It must, within the limits of human power, either save or make reparation; it must foresee the

avoidable risk and avert it, or, when the evil is fated and inevitable, it must have ready the means of rendering reparation certain.

The social act is, then, necessarily an act of mutuality, an act of forethought and insurance. And if we consider not merely the act of each of us, but the collective action, the latter will take on a social character only on the same terms. In this case it is the duty of reciprocity of all to all which is expressed and accomplished, and it is the evil of all which by all must be foreseen or repaired.

Furthermore, it is not solely reasons of humanity, morality and right which render necessary this social policy.

It is the interest of society as well as its strict duty to foresee and prevent, as far as possible, the injury of each of its members, not only because that member is a human being and no human society has a right to refuse to one of its constituents the succor of others, but because the loss of the energy of an individual is a diminution of the common resource of the entire nation. To each of these units which succumbs corresponds, by reason of economic interdependence, a weakening of the forces of the state.

Thus for reasons both of superior morality and of objective utility, the idea of an organized social policy took possession of men and tended rapidly to realize itself in facts.

Everywhere private associations, effects of the social spirit, multiplied.

Then, in almost all countries, a new type of legislation began to be elaborated, which at first was called labor legislation, but which soon took a much more comprehensive, just and true name, social legislation.

Many institutions of civil law, many articles of the old codes which seemed immutable, have been transformed by the new spirit. Entirely new matters, on which no state half a century ago would have dreamed of legislating, became the object not only of state laws but of treaties between peoples, of international laws.

The first experiments of legislative effort soon revealed the extreme complexity of the problem and the necessity of a more vigorous method of solving the difficulties.

In fact, it is not by partial measures that we can hope to act efficaciously against social evils. The strict correlation which unites economic phenomena and makes the development of good or evil at every point of production and exchange depend on the equili-

brium which can be established in the totality of production, compels us to consider the evil in its totality, and to attack it at every point at once and according to a general method, if we are to attain our purpose. Fuster, whom I like to quote again, has justly said that the labor problem is nothing other "than the expression of the most profound and universal needs of human beings who come into the world in a state of extreme weakness, manual laborers who are rich only in their health". And we say in our turn: The problem set before us is nothing less than the problem of the right to life of all human beings in a society which pretends to be civilized. It is the establishment of a rule of veritable justice, the creation of a state of real solidarity among all the members of the same society; it is the determination—and that should mean the sanction—of the superior principle of mutual right which I some years ago attempted to express in the phrase "the quasi-social contract."

The sole human source of wealth is labor. Capital is itself only the product of accumulated labor. To assure the workmen by a just and inevitable return of wealth against the risks of life is to assure the formation of capital; it is, at the same time, to satisfy the demands of justice, to give to society itself the only solid basis of prosperity and peace. To defend, to protect, to sustain, to help the worker live, is to defend, protect, sustain capital itself, it is to fortify and make the state increase, and it is also to make humanity increase.

But now we see the most diverse questions crossing and entangled with one another; it is impossible to touch one of them without producing distant reactions.

Let us see, in a brief review, in what order the problems are presented to our minds if we wish to establish social equilibrium.

It is necessary first of all to assure to each the work necessary to his life and to the life of his family, necessary to the formation of a little fund which will deliver him from slavery and anguish. And, as we have just said, in providing for the proper distribution of work, necessary to the workman himself, we have provided for the best universal production.

But it is not enough to assure work to each. It is necessary that each should devote himself to that work under conditions favorable to his health and safety. He should be able to develop the normal play of his energies, he should constantly find himself amid hygienic

conditions favorable to the performance of his task. It is necessary that the child shall not labor prematurely; that the woman, who will give us the worker of to-morrow, shall be protected against exhaustion of herself and of the race; that at every age and under all circumstances that which has been called by the brutal and significant title "the human machine" shall be maintained in a perfect state; that the social diseases, like tuberculosis, which menace the future of the race, shall be relentlessly fought by preventive methods in their deepest causes, malnutrition, alcoholism, insanitary dwellings, the promiscuity of hovels. Here again it is not only a duty of humanity toward those who create riches, but is it not also the necessary condition of prosperity and power for the entire state?

Finally, if among all the risks which threaten the worker, some, though avoidable in themselves, fail to spare him—all human foresight being necessarily limited—if a work accident, involuntary unemployment, a social disease has come upon him, or if, on the other hand, the hour of inevitable risks has sounded, and invalidity or old age has diminished or destroyed his capacity for work, it is necessary that he should be temporarily or permanently furnished the aid of society. It is necessary that he find this aid at hand for the reestablishment of his health and strength, if the evil can be repaired. It is also necessary, in case the burden is too great for him, to provide the indispensable compensation, a just recompense for that which he himself and the workmen before him and about him have rendered to society. He has a right to the maintenance of what is left him of health and life, to a pension for his existence in peace and dignity.

Such is the circle which we have to traverse. Many are the difficulties to solve if we intend really to organize mutual provision for so many risks, and also to organize justice and solidarity among the members of the nation.

But will the organization of a social program be effective if each nation aims to establish it solely by itself and for itself? Will it not be necessary that it become universal, like the evils which it seeks to combat and which know no frontiers?

The economic phenomena, whose increasing intensity we have just recounted, have such a universal character that none of them can be studied, nor their consequences for good or for evil measured,

foreseen and calculated as a source of risks to workmen, if one observes them only within the limits of a single country.

Economic solidarity, which to-day makes all classes in a nation closely interdependent, does not end at the geographical frontier of a treaty of peace—alas! one ought often rather to say a treaty of war—arbitrarily established between two nations.

Nor does it stop at the customs barriers. These barriers may retard the interactions of universal exchange, but only like a dam which often after a brief period of resistance serves only to release the power of accumulated forces.

Besides, in the face of international competition, what social reform is possible in a state if the citizens calculate only the effects of such a reform upon the internal markets? I have often advocated in our French legislature bills for the protection of workmen—laws regulating hours of labor, laws on industrial hygiene, laws on pensions, etc. How many times have I heard this objection: "We would be disposed to make this sacrifice; we employers would accept the limitation of hours in our industry; we would accept the financial burden, the tax which would go with such reforms, if, in the neighboring countries, the same reforms were accomplished. How can you ask us to accept this burden if it will raise prices so that competition with our rivals outside would become impossible? Get other countries to act as you propose, and you will find us ready to follow; if not, take upon yourself the responsibility which is yours. Guardian of the prosperity of your country, you have not the right, for a merely humanitarian purpose, to jeopardize its economic powers, and thereby its grandeur and its existence."

To be sure, it sometimes happens that it is the narrow calculations of egoism which dictate such replies; but no one can deny that there is some truth at the bottom of them.

This interdependence of good and ill, which I hold to be the law of economic as well as of physical life, appears each day more distinctly in the degree that material forces, under man's control, shorten time and abridge space.

We have internationalization of the labor market, emigration and immigration from nation to nation, from continent to continent, unceasingly impoverishing or enriching a land, increasing or restricting the production of a state and causing variations until there is economic equilibrium of the old and the new world.

We have internationalization of wages, which depend necessarily on the cost of living in each place of labor, and which may be in one place a starvation wage, in another place a sufficient remuneration, according as the laws of international exchange cause the workers' means of subsistence to vary in price.

We have internationalization of the conditions of profit. Is it necessary to recall the world character which the markets of all raw materials, metals, coal, wool, cotton, cereals, have assumed and definitely retain?

We have internationalization of enterprises. Capital is lent and utilized from country to country for all the great undertakings of railways, mines, ports, canals, for the equipment of new countries.

We have internationalization of credit. What more striking proofs of universal economic and financial interdependence could be asked than the exchanges of Paris, London, Berlin and New York, where each day the securities not only of state funds but the industrial and commercial undertakings of two worlds rise or fall in response to the action and reaction of the universal tide of speculation?

And perhaps still more than these we have internationalization of all the intellectual and moral elements of the social problem. We have fears of capital, dreading here the approach of war, there some crisis or some internal revolution. A labor revolt arrests by a sudden strike the productivity of some great mine or transportation industry, and all the exchanges of Europe and America are disturbed. Credit is restricted, exchange rises, enterprises are retarded, sometimes all the prosperity of a distant state is suddenly impeded by an event which occurred, it may be, in another hemisphere.

Do we not also daily witness the more complete organization of international associations, on one hand of capitalists and financiers, on the other of workmen? It is the entire financial power of Europe which works together upon the question of credit to the Ottoman empire or to some Balkan state after the peace of Bucharest, and it is in the deliberations of the workers' International that resolutions are passed for a general strike in all western Europe or to suspend labor on the first of May throughout the world.

There is not a bark which rises or which falls in one of the small-

est ports of France, of Belgium, or of England, whose almost imperceptible movements are not determined by the colossal lift of all the tides and currents which are the breathing of the ocean. There is not a petty merchant in his shop corner, there is not a workman in his place of toil, whose wage, or profit, whose gain or loss, is not incessantly influenced by the formidable pulsation of the universal movement of international trade.

What, under these conditions, does a working policy against the risks of labor, against the various ills of society, amount to, if one restricts his view to the region within the frontier, when all parts of the frontier are overflowed by the causes of good or evil? A card castle, that is all! We can succeed only by opposing to these evils an international method, international measures, an international understanding and organization.

GROWTH OF INTERNATIONAL SOCIAL ORGANIZATIONS

We have now arrived at the heart of the problem. What I have laid before you is not a personal conception of the matter, a more or less ingenious or seductive subjective theory. It is a synthesis which has built itself up on the basis of conscientious analysis of the current difficulties. There are social evils; they cannot be efficaciously combatted without social effort; the effort of poor relief is insufficient; the only genuine social effort is the act of provision and of mutual collective insurance; the interdependence of various social risks is so absolute that social provision ought to be organized at once against the totality of these social evils; and this interdependence being universal, the organization of social policy attains its full growth only when it becomes itself international and universal.

This supreme necessity has been the point from which have successively sprung the three great international associations on Social Insurance, on Labor Legislation, and on Unemployment. It is this necessity which, after a first meeting at Paris with my eminent predecessor in the presidency of the Association on Social Insurance, M. Poincaré, brought together last year at Zurich and this year at Ghent the central committees of these three associations; it is this which has decided them, while maintaining their autonomy, their principles and traditions, to coordinate and associate their efforts with the view of universal and methodical action.

To give the history of our three associations would be to review again the series of difficulties which has just been outlined. It is the experimental method alone, apart from any particular doctrine, which has step by step conducted them to the central point, the meeting of the roads where we find ourselves to-day.

It was the distress of the man deprived of his wages by sickness or by an accident of industry for which he was not at all responsible, which first attracted attention. The German laws of 1883-84 had at a stroke given a very complete and very exact primary solution of the problem. But vigorous controversy soon arose over the principles of the new legislation; the responsibility of the employer, the trade risk, the obligation to insure. The study of these questions, undertaken at Paris in 1889 by the first Congress on Work Accidents, resulted in the creation of a permanent international committee; since 1891 the recognized connection between social risks of all kinds has enlarged the field of investigation. Insurance against prolonged disease, against invalidity, and against old age, and the question of occupational disease, were successively studied, and the permanent committee took its present title of Committee on Social Insurance.

But are not accident, disease, invalidity and poverty-stricken old age often the consequence of labor performed under defective conditions of hygiene and safety, for a wage which bears no equitable relation to the duration and intensity of effort? Hence the International Conference for the Protection of Labor, assembled at Berlin in 1890, became the point of departure for a new movement which culminated at the Paris Congress in 1900 in the foundation of the International Association for Labor Legislation.

Finally, if accident, sickness and invalidity are frequent risks of the workman, there is one which menaces him every day and everywhere—namely, the loss of employment. The problem of unemployment, a vital and primary problem for the workman, confronted us with all the more sharpness since, in the increasing complexity and intensity of economic life, the extreme division of labor rendered the chances of securing a place more rare and restricted. Therefore, in 1910, after the international conference in Paris, there was founded the International Association on Unemployment.

Thus the conditions, the urgent necessities of the moment, gave

birth to our three associations; the study of facts, leading step by step from final effects to primary causes, had successively caused to loom up the entire series of social risks and evils. To the totality of these essential needs corresponded henceforth a combination of associations of provision and protection.

In the same way the facts soon led our associations to consider the necessity of international activity. Whatever the problem, complete and definite results could be obtained only by an understanding among nations.

All regulation of labor, whether it touches hours, wages, or the prohibition of the industrial use of certain products, may bring into conflict individual and national interests.

It may be feared, not without reason, that in protecting the workman we may affect production itself, and we may run into the danger of rendering, by a return blow, the life of the workingman more painful than ever by impoverishing the country.

Thus the proposals tending to limit the work day, made at first in various countries, were combatted everywhere with this single manufacturers' argument of international competition. The Norwegian Manufacturers' Society declared that it "would willingly introduce the crew of eight hours in certain industries, if this system was applied internationally"; the German manufacturers, the Swiss, the Austrians made the same response.

The international collaboration of governments is everywhere demanded by employers as the sole means of accomplishing the work which reason and human conscience imperiously demand.

Consequently from its foundation, the Association for Labor Legislation provided in its statutes for the calling of international congresses, and, in 1903, the Basel special commission requested the Swiss Federal Council to convoke an international conference to prohibit the use of white phosphorus in industry and to suppress night work of women; this first meeting was followed, in 1906, by the diplomatic conference to which we owe the Berne conventions on these subjects.

Since that time the Association for Labor Legislation has unhesitatingly followed the same method. It has held three important assemblies, at Lucerne in 1908, at Lugano in 1910, and at Zurich in 1912; and it is in execution of the conclusions of these congresses that the Swiss government has proposed to the other states, for

this very year, the calling of a new diplomatic conference which will be opened at Berne in a few days, to study the projects of two international agreements, one extending to young industrial workmen the prohibition of night work already proclaimed for women, the other fixing at ten hours per day the normal duration of work for girls and women of all ages, and for boys up to eighteen years of age.

Legislation relating to industrial accidents has offered difficulties of a little different nature, but in reality of the same order. All national legislation relating to accidents ought practically to regulate the conditions of assimilation of foreign workmen; but it will never do this equitably and usefully without reciprocity, and hence the necessity of agreements; from this arose the bilateral treaties on labor, which, since 1894, have happily multiplied.

The Permanent Committee on Social Insurance has made the same experience. Obligatory insurance, with the triple contribution of employer, workman, and the state, satisfies the idea of justice, but lays a heavy charge on public and private budgets. This burden will, however, seem light if it weighs equally on foreign competitors. And, in a general way, an international agreement appears to be necessary, when it is desired to establish, as is proposed on many sides, an equality of treatment between home and foreign workmen in the matter of social insurance.

Finally, I need hardly remind you that the Association on Unemployment directly encounters international problems in connection with emigration and immigration. New countries like America and Australia, old nations of Europe and Asia, have interests now similar and now contrary. How can we imagine legislation guaranteeing the interests and the rights of workmen in each of these countries, without agreements between states, without international understandings?

Thus, throughout their entire field, our great associations have found the same necessity of international action.

At the same time they were obliged to recognize, in traversing this infinite field, that there were many questions which interested them equally, but from different points of view; that knowledge of the same facts was often useful to them all; that protection and insurance mingled at every step; that a good division of labor would be a benefit to each of them, avoiding on one side duplication of

effort, and on the other gaps in the general study of phenomena; that while expressly maintaining complete autonomy, it was possible to have a common understanding in their march toward the common welfare.

A few examples will suffice to show why such an understanding is indispensable.

After studies of principle, each of our associations has come to practical investigations, to precise statistics.

In order to give comparable results, it is necessary that these documents should be established on the same plan, taking care to use the same methods, with views of the entire study well co-ordinated. General statistics of population may be a precious source of information for all. But how many gaps have scientists still to regret? Much progress may yet be made in the establishment of statistics of morbidity and of mortality, which are necessary to the development of social hygiene, whether from the point of view of nomenclature and definition of diseases, or from the point of view of the classification of cases according to trades and social condition of the sick and the dead. But how can we obtain from states the desired improvements, if our great societies do not agree upon the modifications necessary?

We have to do not merely with official documents; our associations themselves pursue investigations, prepare and send out questionnaires on special points of their respective studies. There again their methods must be comparable and their results useful to all.

Finally, from the point of view of propaganda, what a value our common understanding will have!

We have already agreed on one essential point. You have all read the *Appeal*, signed by our three executive committees, "to the new countries", for the constitution of new sections; we appeal also to certain states of old Europe, which only to-day are entering the path of economic progress, and to those powerful republics of South America whose development is already prodigious. We shall establish there groups of *social action* which will represent our three associations simultaneously, and give, from the first day, unity to the movement.

Since our experience has proved that the great instrument for realizing the social program is the international instrument, the

agreement between states, and since to our two deans already belongs the honor for having prepared the solution by convention of grave questions like those of white phosphorus and night work of women, once we are united what great power we shall be able to wield in behalf of many other urgent reforms, such as the regulation of child labor, limitation of hours in industry and commerce, the eight-hour shift in mines, and soon also the painful question of homework of women and the minimum wage.

Certainly we may hope—and I speak particularly for my country—to obtain by internal legislation a large part of these reforms. But they will not be completed nor accepted without reaction unless the problems are internationalized; unless we are able to regulate them by agreements of the principal nations of the two worlds. How vast the force our great associations will have if they unite to defend with one spirit, with one voice, all these great causes, in conjunction with those states which have already inscribed upon the rolls of the associations eminent representatives of their schools of learning, members of the legislatures, chiefs of their great public administrations!

Our associations have affirmed from their foundation their international character, and yet no government has taken umbrage at the moral authority which they have acquired in the world. The work which, I hope, they will develop in common will have the same character of scrupulous scientific rigor and entire political neutrality.

¹ Scarcely fifteen days after this address, the diplomatic meeting to which allusion is here made was opened at Berne, and international conventions were prepared, relating to the prohibition of night work of young persons in industry and to restriction to ten of work hours for women and young persons. The following telegram was sent by Mr. Léon Bourgeois to the French delegates, Messrs. Alexandre Millerand and Arthur Fontaine: "I will be grateful to you for expressing in the name of our two associations, Insurance and Unemployment, closely united at Zurich and Ghent to Labor Legislation, our wishes for success, works of conference, and progress of international organization of social program.—Léon Bourgeois." Mr Alexandre Millerand notified the conference of the telegram and the President, Mr. Schulthess, in conformity with a resolution adopted by the conference, sent the following response: "The international conference at Berne sends you its best thanks for the generous thought of which you are the interpreter, entertained by the Associations on Insurance, Unemployment, and Labor Legislation, and for the desires we share tending to the development of a social program.—The President, Schulthess, Federal Councillor."

The history of their development will continue to be that of the development of the international spirit in social questions, and I mean by that the very spirit of peace and of concord between the classes in each state, between the states of the world.

SUMMARY AND CONCLUSION

The long disquisition which has just been made may be summed up in these precise terms: To the universality of social risks, it is necessary to oppose the universality of a social program and of social assistance; and it is not only necessary to oppose this universal program against each of the successive risks now enumerated, to organize prevention of avoidable diseases, against accidents, against invalidity, against the destitution of old age, against the degradation of children through death of the head of the family, but universal social provision ought to confront the universal social risk which arises from the accumulation of these partial risks, which affects not only the individual but all society; for every avoidable and therefore unjust loss of health, of well-being or of life of any of its members constitutes a material and moral impoverishment of all men, a cause of disturbance of mind, of revolt of conscience, a menace to the social bond, a danger to order, to equilibrium, to peace.

It is our task to create by the cooperation of men of good will of all languages, of all countries, of all beliefs, of all races, the net work of protection and insurance which will prevent the birth and growth of social troubles. To that task we have consecrated ourselves, and perhaps this date will go down in history as the date of the meeting at which our three great associations, which really combine the social efforts of the world, publicly resolved to co-ordinate their methods and their efforts, affirmed their purpose to act henceforth in common, and signed against the universal enemy an offensive and defensive alliance which no civilized man will ever denounce.

Are we dreaming? There are enough examples of international institutions, whose existence is assured, whose utility is recognized by all, living by virtue of the understanding and the contributions of associated states, and rendering to each of them, by the world-wide extent of their activity, service worth a hundred times the sacrifices required. People have feared the opposition of interests

and national pride; these have given way before the spirit of understanding and reciprocity.

Is there need of enumerating these examples? There is the International Bureau of Weights and Measures, which promotes the unification which is indispensable to the progress of science and of the technical arts.

There is the Universal Postal Union, which, without regard to frontiers, forms all the contracting countries into one territory for the reciprocal exchange of correspondence, thus securing uniformity of rates and liberty of transit.

There is the Union for the Protection of Industrial Property, which guarantees to all the citizens of each contracting state the advantages in all the other states of the union which the laws accord or may in future accord to their own citizens.

There are also the Bureau of Telegraphs, the bureau for the repression of "white slavery," the international health office, etc. And we have not even referred to the numberless international associations which to-day prepare, as we do, in their open discussions, the studies out of which will soon issue new agreements, new international laws.

It is a new world which we feel to be in formation, and these are the organs of the new humanity which stage by stage come into being.

With the correlation of the activities of these three associations a glowing hearth has been created in the world with the help of good men of all nations, not only philosophers, economists, or jurists, but men of action, business men, merchants, chiefs of public administration, statesmen of various countries.

This hearth is created to diffuse in the world the light of conscience and the warmth of the human heart. It means that we are engaging in a struggle against all social evils. We organize a program to preserve all men from these evils, in all lands, from birth to death. It has been justly said that ours is a policy of social security, since its purpose is the conservation of human energies. It is in fact a conservative and not a revolutionary policy, a rational and not a passionate policy, a protective and not a destructive policy. We add, finally, and this will suffice to justify it in our eyes, that it is a policy of the highest morality which it is possible to profess and put in action. Is it not adapted to rally at the same time the

genuine men of business, those who produce rather than speculate, and the genuine workmen, who seek, not the satisfaction of a personal ambition, but security and justice for all? It liberates labor and creates riches. It satisfies reason and frees the conscience.

The edifice which we construct is that of human solidarity. It is a work of tradition, for it integrates all our heritage from former progress, and it is a work of creation. It is, following an expression of the philosopher, a work of "creative evolution", for it is the achievement of a superior state of humanity. All coordination of elements of an organism, suitable to develop itself by the force of its interior vital momentum, with a consciousness of its development, is like the creation of a new being.

To all those who love their kind, as well as to those who are animated by a religious faith or guided by a philosophic conviction, such a work may be equally precious. Let us unite all our thoughts, all our convictions, all the force of our souls to sow the seed which shall not perish.

I recall the words with which our scholar Pasteur closed his discourse at the dedication of the celebrated institute which bears his name:

"Two contradictory laws seem to-day to be in conflict: one, the law of blood and death, which invents each day new means of combat, and compels peoples always to be ready for the field of battle; the other, the law of peace, of labor, of health, which thinks only of delivering men from the plagues which besiege them. The one seeks only violent conflicts, the other the solace of humanity. The one would sacrifice hundreds of thousands of beings to the ambition of one; the other places one human life above all victories."

And at the close of his life four years later, in 1892, Pasteur concluded with this word of hope, which you will applaud as did the national delegates who had come from the ends of the earth to salute him: "You bring to me", he said, "the most profound joy that a man can experience who believes invincibly that science and peace will triumph over ignorance and war, that the peoples will come to an understanding, not to destroy, but to build up, and that the future will belong to those who have done most for suffering humanity."

The fundamental purpose of labor legislation is the conservation of the human resources of the nation.

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A Problem of Industry

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PUBLIC RESPONSIBILITY
CONSTRUCTIVE PROPOSALS
PUBLIC EMPLOYMENT EXCHANGES
UNEMPLOYMENT INSURANCE
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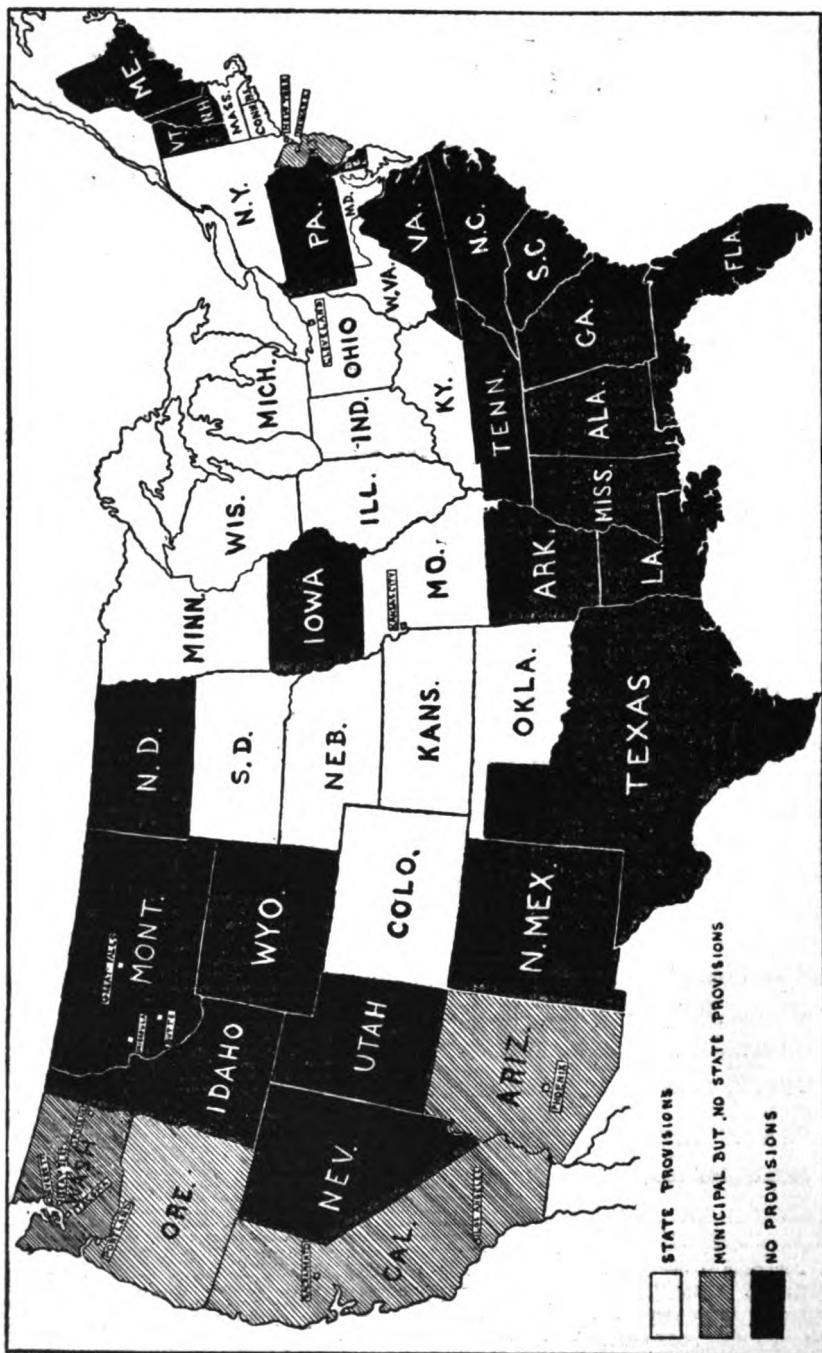
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No. 2

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LEGISLATIVE PROVISIONS FOR PUBLIC LABOR EXCHANGES IN THE UNITED STATES¹

Nineteen states and fifteen municipalities have already provided for public employment exchanges.

Besides the municipal exchanges maintained in the shaded area, such exchanges are also provided for in Missouri, Montana, New York and Ohio where indicated.

¹ Revised to May 1, 1914.

INTRODUCTORY NOTE

ORGANIZATION TO COMBAT UNEMPLOYMENT

"Its sessions marked a new attitude in America toward the unemployment problem", said a well known editor in reporting our First National Conference on Unemployment. "The deep interest with which the proceedings were followed, and the sense of responsibility manifest in the discussions and the resolutions, all bear evidence that an acute situation exists and that it is national in scope."

Whether or not there has been an unusual amount of unemployment during the past winter, this much is certain: Thousands of people now realize as they never realized before that there is in this country during every year, at every season of the year, a tremendous amount of wasteful, demoralizing *irregularity of employment*. It was the condition behind and responsible for this growing realization that brought together in New York city at the end of February representatives from fifty-nine cities and twenty-five states, having vital concern in the out-of-work problem.

In the course of the two days' discussion, despite the great diversity of view-points represented, five main points of agreement became clearly defined. These were: (1) the necessity for accurate labor market statistics; (2) the necessity for a wide-spread system of efficient labor exchanges; (3) the necessity for regularizing business; (4) the necessity for industrial training and vocational guidance; and (5) the necessity for unemployment insurance. At the close of the conference, following the adoption of resolutions expressing the conclusions of the delegates, active steps were taken to put the resolutions into effect. In New York state, on March 6, Governor Glynn sent to the legislature a special message urging the immediate establishment of a state system of employment bureaus. The administration's bill was introduced on March 11, and passed on the closing evening of the session, March 28, after a vigorous campaign. On March 21 Mayor Mitchel of New York city sent a special mes-

sage to the board of aldermen urging the creation of a municipal employment bureau, and the ordinance was adopted on April 28.

Meanwhile work was continued on proposals to carry out sections of the resolutions recommending that the American Association for Labor Legislation, in affiliation with the American Section of the International Association on Unemployment, initiate and promote public action for the establishment in the federal Department of Labor of a bureau with power to establish employment exchanges throughout the country to supplement the work being done by state and municipal bureaus, to act as a clearing house of information and promote the distribution of labor throughout the country. A bill for this purpose has been introduced at Washington, and is printed, following the New York city and New York state measures just mentioned, on page 397.

It is recognized that after these first practical steps have been taken careful investigation must be made into conditions of employment, as outlined in the remaining resolutions. A special fund for this purpose is being raised and part of the preliminary investigation is accomplished.

It is hoped that the bibliography at the end of this REVIEW will be found helpful to all who may wish to cooperate with these Associations in the purpose as expressed in the by-laws adopted in 1912: *To coordinate the efforts made in America to combat unemployment and its consequences, to organize studies, to give information to the public, and to take the initiative in shaping improved legislation and administration.*

A PROBLEM OF INDUSTRY

That the problem of unemployment is a serious one can no longer be doubted. "We cannot find work!" is the cry of thousands of able-bodied men, who, especially in mid-winter, besiege the relief societies in our great cities. "We cannot find enough help!" is the complaint of manufacturers and farmers at some seasons or in some years.

Even in prosperous times, we have had mills closing down in Pittsburgh and advertising that workers could not be found. At the same time in other parts of this country, men were tramping from shop to shop that had no use for them, generally ignorant

of the needs of Pittsburgh and unable, in any event, to pay the railroad fare that would take them to jobs that wanted them—the jobs they sought in vain.

The labor market is unorganized, resulting in confusion, waste and loss to employers and employees. It means suffering to individual workers and their families, a lowering of the standard of living, impaired vitality and efficiency, and a tendency for the unemployed to become unemployable, dependent, degraded. In fact, the demoralizing effect of unemployment upon the individual is matched only by its wastefulness to society.

"This question of unemployment is one of the incidents of the great commercial development of our age," said Mr. Straus as Secretary of Commerce and Labor. "It is the reverse side of the shield of prosperity, if you please. What the remedy should be is the great problem of our civilization."

A FEW FIGURES

After investigation in New York city during the winter of 1913-1914, the superintendent of the employment bureau of an old and conservative organization—the Association for Improving the Condition of the Poor—estimated on February 2, 1914, that "on any given day this winter there are at least 325,000 men unemployed in this city." This estimate has been questioned, but not authoritatively disproven. At the same time relief agencies in many other cities were swamped. Municipal lodging houses were turning away many genuine seekers after work—to sleep on bare boards at the docks, in warehouses, even in morgues.

But while relief agencies struggle with their problems of emergency relief, we do not forget that serious irregularity of employment is not temporary in America. It is continually one of our most wasteful industrial evils.

The United States Census for 1900 showed that 6,468,964 working people, or nearly 25 per cent of all engaged in gainful occupations, had been unemployed some time during the year. Of these 3,177,753 lost from one to three months each, representing on the basis of \$10 a week a loss in wages of approximately \$200,000,000;

2,554,925 lost from four to six months' work each, representing a wage loss of approximately \$500,000,000; and 736,286 lost from seven to twelve months' work each, representing a wage loss of approximately \$300,000,000.

Thus approximately \$1,000,000,000 was lost in wages in the year.

On this subject the Census statistics are very unsatisfactory, but they are the figures gathered and published at great expense by the United States Government. Similar data were collected by the government in 1910, but they are still unpublished.

In 1901 the federal Bureau of Labor investigated 24,402 working class families in 33 states, and found that 12,154 heads of families had been unemployed for an average period of 9.43 weeks during the year. The New York State Department of Labor collected reports each month during the ten years 1901-1911 from *organized* workmen averaging in number 99,069 each month, and found that the average number unemployed each month was 14,146, or 18.1 per cent.

The federal Census of Manufactures, for 1905, gives the "average number of wage-earners each month, and the greatest and least number employed at any one time." At one time 7,017,138 were employed, while at another time there were only 4,599,091, leaving a difference of 2,418,047. That is to say, nearly two and a half million workers were either unemployed or compelled to seek a new employer during the year. These figures were drawn from the manufacturers' own records.

REMEDIES SUGGESTED

"What should be done when thousands of skilled workers in a trade are furnished employment during only twenty-eight weeks out of fifty-two?"—as was the case in a New York trade recently investigated. "What shall we say of a factory that hires and discharges a thousand men in one year in order to keep up a steady force of three hundred?" These are pertinent questions now being asked by discerning men.

In the interest of the general welfare, we have penalized workers for working over-time. The question has been raised: "Shall we penalize employers for working under-time?"

The problem is so vast, the rights of individuals affected so fundamental, that the proper organization of the labor market is not to be lightly undertaken. But American society cannot afford indefinitely to postpone serious consideration of this problem. This complex question of the jobless man and the manless job is already one of the most important and exasperating social questions. Irregularity of employment is a problem of industry; it is, in fact, as Mr. Louis Brandeis has said, "the worst and most extended of industrial evils."

The first step in the organization of the labor market is largely the responsibility of the employers of labor, who, if not directly penalized as already suggested, should perhaps be offered some additional inducement properly to regularize business.

Fortunately, a few progressive employers have already recognized this responsibility and in their own factories have so regularized their business throughout the twelve months of the year as to do away with former "seasonal fluctuations" in their own labor force. One of several plants in a highly seasonal industry, which used to run feverishly and consequently inefficiently for a few months each year, with long slack periods between, has for the past six years so regularized its business that work on a season's new goods is begun twenty-four months in advance, thus insuring continuous and efficient work the year around. Nevertheless, of the accomplishment possible in this direction we have only a beginning. And complementary to this first step is, of course, the problem of industrial training which is now receiving wide attention and is the frequent subject of legislation.

The second step toward the organization of the labor market is the strict supervision of private offices and the establishment of free employment bureaus all knit together into an efficient system of labor exchanges. Of this step, too, we have had merely the halting beginnings. To be sure, nineteen states and fifteen municipalities have already provided for public employment bureaus. But only a few of these have yet been established on a basis that can be regarded as really efficient.

For the few public employment bureaus within any one state the struggle for effective management has been crippled, partly at least by insufficient appropriations. Cooperation between the bureaus of different states is difficult. Many of their prob-

lems are national in character. It is apparent that carefully worked out legislation, on the basis of the best experience in this and older countries, will be required to make a satisfactory beginning in this important field.

There are jobs without men and men without jobs. It is the purpose of this second step to bring together the jobless men and the manless jobs.

The third step in dealing with this problem must depend in a large degree upon the ultimate success of the first and second. When employers have done their utmost to smooth out the curve of employment, when workers have been trained to the demands of industry, and when efficient labor exchanges record and announce and direct throughout the nation the ebb and flow of the tide of employable labor, there will still remain for the statesmen of our land the task of developing a just and economical system of insurance for those who, though able and willing to work, are yet unable to find it.

Meanwhile encouragement is to be given to the study of complex forces involved in the migrations of peoples, in the difficulties of transportation over wide areas, in the demands for industrial training, in the selection of occupations, into the extent of seasonal industries, and into the perplexing problem of casual labor.

AMERICAN AND EUROPEAN ORGANIZATION

Gigantic and complicated as the problem is, however, one of the encouraging signs of the times is that the nation-wide, and even international, movement against unemployment is already launched. At the fifth annual meeting of the American Association for Labor Legislation in 1911 one half-day was devoted to the discussion of "The Unemployment Problem in America." At the close of the session the president was authorized to appoint a committee to represent the organization in its relations with the International Association on Unemployment which had been organized in Paris in 1910.¹ President Henry R. Seager then

¹Delegates from the American Association for Labor Legislation at the Paris conference in 1910 were: Henry W. Farnam, Charles P. Neill, Edward T. Devine, Lee K. Frankel, John B. Andrews, Irene Osgood Andrews, William Leiserson, and Helen L. Sumner.

appointed the following committee: Charles R. Henderson (Chairman), Jane Addams, William Hard, William Leiserson, and John B. Andrews (Secretary).

Immediate contact between this committee and the International Association on Unemployment was established through a request for information which led the committee to send an inquiry to the mayors of the principal cities and to the presidents of many of the important railways in the United States to ascertain "the nature and the extent of any efforts made by them so to adjust their contracts and their works of repair or of construction as to avoid, so far as possible, the general discharge of employees in slack seasons and in times of industrial depression." The information thus secured was published by the international organization with the proceedings of its international conference at Zurich in September, 1912. At that conference the committee was represented by Mr. Henderson, Mr. Lee K. Frankel, Mr. and Mrs. Andrews, and Mr. Charles H. Verrill.

Growing out of that "social week" at Zurich where international conferences were held by the three great international associations on unemployment, social insurance, and labor legislation, a plan for close cooperation to avoid wasteful and annoying duplication of effort in all nations was developed. The executive committee of the International Association on Unemployment submitted to the American committee by-laws which, when adopted in December, 1912, formed the American Section of the International Association on Unemployment in close affiliation with the American Association for Labor Legislation. The purpose, as expressed in the by-laws of the Association on Unemployment, is

- (a) To assist the International Association in the accomplishment of its task (Section 1, ss. 3 and 4, of the Statutes of the International Association):

The aim of the Association is to coordinate all the efforts made in different countries to combat unemployment.

Among the methods the Association proposes to adopt in order to realize its object the following may be specially noticed;

(a) The organization of a permanent international office to centralize, classify and hold at the disposition of those interested, the documents relating to the various aspects of the struggle against unemployment in different countries.

- (b) The organization of periodical international meetings, either public or private.
- (c) The organization of special studies on certain aspects of the problem of unemployment and the answering of inquiries on these matters.
- (d) The publication of essays and a journal on unemployment.
- (e) Negotiations with private institutions, or the public authorities of each country, with the object of advancing legislation on unemployment, and obtaining comparable statistics or information and possibly agreements or treaties concerning the question of unemployment.

(b) To coordinate the efforts made in America to combat unemployment and its consequences, to organize studies, to give information to the public, and to take the initiative in shaping improved legislation and administration, and practical action in times of urgent need.

CHICAGO COMMISSION

It was through the activity of the chairman of the committee that Mr. Carter H. Harrison, Mayor of Chicago, appointed the Chicago Unemployment Commission, with Mr. Charles R. Crane, Chairman, and Prof. Charles R. Henderson, Secretary. The Chicago commission divided its members into seven committees each charged with a study of some important aspect of the question:

- (1) The nature and extent of unemployment, especially in Chicago;
- (2) Methods of securing employment, including an inquiry into the workings of the state free employment bureaus, the private bureaus, and the methods of employers;
- (3) Extent and effects of migration between Europe and America in relation to unemployment;
- (4) The adjustment, or "dovetailing," of employment;
- (5) The methods of relief to the destitute unemployed;
- (6) The laws relating to vagrancy and mendicancy, and methods of betterment required;
- (7) The relation of vocational training and guidance to unemployment.

After a careful study by the second committee, the commission passed the following resolution:

1. We recommend the establishment of a labor exchange so organized as to assure: (a) adequate funds to make it efficient in the highest possible degree; (b) a mode of appointment of the salaried directors which will protect it against becoming the spoils of political factions and parties; and (c) a board or council of responsible citizens, representing employers, employees and the general public, to direct the general policy and watch over the efficiency of the administration, this board or council having the

power to employ and discharge all employees subject to proper regulations of the civil service commission.

2. We recommend that the governor and legislature be requested at the next session of the legislature to amend the present law relating to free state employment bureaus so as to secure a central state labor exchange, based on the principles just stated.

AMERICAN SECTION

Meanwhile the secretary of the American Section drafted an immediate program of action, prepared (in cooperation with the Library of Congress and the United States Bureau of Labor Statistics) an American bibliography on unemployment to be included in the international bibliography on this subject to be published in English, French and German, under the direction of the international organization by the municipal library of Budapest, Hungary, analyzed existing legislation in the United States, prepared statistics of public employment bureaus, distributed information, collected and forwarded the dues of American members, and secured through special contributions a fund to inaugurate a preliminary survey.

At the annual meeting in December, 1913, the following executive committee was elected. Charles R. Crane, Henry S. Denison, Charles P. Neill, John Mitchell, Charles R. Henderson, and, *ex officio*, Adolph Lewisohn (Treasurer), and John B. Andrews (Secretary).

The First National Conference on Unemployment, in New York city, February 27-28, 1914, was called for the purpose of focusing national attention upon this problem. It is hoped that the proceedings of that conference, herewith presented, together with the select critical bibliography on unemployment and much other valuable data, will prove of assistance to the growing number of Americans now interested in this important question.

JOHN B. ANDREWS, Secretary,
American Association for Labor Legislation.

The Unemployed

I. THE EMPLOYABLE

1. Those who have lately been in definite situations of presumed permanency; *e. g.*, factory and clerical workers.
2. Those who normally, in their own trades, shift from job to job, and from one employer to another; *e. g.*, workers in the building trades.
3. Those who normally earn a bare subsistence by casual jobs; *e. g.*, dock workers, "lumber jacks."

II. THE UNEMPLOYABLE

4. Those who have been ousted, or have wilfully withdrawn themselves, from the ranks of the workers; *e. g.*, the aged, the infirm, the criminal.

For the employable the need is constructive work—regularized business, efficient labor exchanges, and adequate unemployment insurance. The care of the unemployable is the task of the relief agency, the hospital and the reformatory

I

IRREGULARITY OF EMPLOYMENT

Presiding Officer: HENRY R. SEAGER
President, American Association for Labor Legislation
NEW YORK CITY

INTRODUCTORY ADDRESS

JOHN PURROY MITCHEL
Mayor, New York City

It gives me a great deal of pleasure and satisfaction to extend to you, as the mayor of the city, the welcome of New York, to come here to hold this conference on this important subject of unemployment.

My understanding is that you purpose to consider the causes of unemployment here, and the means of avoiding a recurrence of the conditions which confront us to-day, through a study of the causes and of means of relief.

New York believes that it finds itself confronted with an unusual condition of general unemployment. Various estimates were made as to the number of unemployed men in this city. I notice you mention in your program, and I believe I myself used the figure, that the total number of unemployed men may approximate 300,000. While an investigation appears to show that that figure was in large measure an exaggeration, nevertheless I think we all agree that this year in the city there was a condition of unemployment that was abnormal. The city government, realizing that a duty devolved upon it in this matter, undertook to study the means of relief which, through its agency, could be brought to bear. We called a conference, and out of that conference grew the suggestion for the establishment of a municipal employment agency. That has been established under the jurisdiction of the commissioner of licenses. Up to the present time all we have been able to attempt was to bring together the unemployed people of the state and employers seeking employees, through the cooperation of the private agencies. Whether we shall go further in the expansion of the activities and functions of this municipal employment agency is a question that we are now studying. In order that we might have the best information on this question, we invited here Mr. Leiserson, who has directed the study of unemployment and is at the head of the state employment bureaus of Wisconsin, and we have in our hands now the results of

the study of the local situation which Mr. Leiserson has made here. We must now go on and determine how far we shall extend the functions of the municipal employment agency, which I believe is going to be a permanent institution in this city.

Of course, at a time such as we have just been passing through, various suggestions of an extreme nature are always made. There are people who want the city government to withdraw its funds from the banks, and to devote them to the employment of the men and women who have not been able to find work. Others have suggested that we engage in some new public works which would necessitate large expenditures of money and consequent distribution of the city's funds over a large radius. We know, of course, that it is the history of every government which has undertaken that policy that bankruptcy follows upon such a course, and of course it has been impossible for the city of New York to commit itself to a course of folly of that kind. But everything that the city government can do legitimately within the exercise of its proper functions, and with a view to the duty that its officials owe to the taxpayers and to the great body of citizens in the city, it will do, to relieve this present pressing condition, and to avoid its recurrence in the future.

I trust that out of your conference will grow many useful suggestions; useful to the country at large, but particularly, from our point of view, useful to New York. And I can assure you that we will be glad to take under careful consideration any suggestion that you may wish to make to the local government, for its guidance in this matter. I wish your conference great success.

REPORTS OF OFFICIAL DELEGATES ON THE STATE OF EMPLOYMENT

CHAIRMAN SEAGER: In planning the details of these two large conferences, the committee has proposed to attempt this morning a sort of old-fashioned experience meeting. We have representatives from all parts of the country, and all parts of the country have been aroused as to this problem of unemployment this winter.

At the outset we would like to assemble the information that all of you have brought here as to local conditions, so that we may have it in our minds as a basis for the more constructive part of the program to follow.

We had invited to the conference Mr. W. H. Beveridge, who has done such valuable work in connection with the effort to solve the problem in England, and M. Max Lazard, the secretary of the International Association on Unemployment. Both have written expressing their great interest in the American situation, and regretting that they will be unable to be present.

I shall call first upon a representative of the city which appears to have attacked this problem in the most aggressive way, namely, Chicago, which created a commission on unemployment which has already made a report. Next we shall want to hear from the other locality which seems to have been most concerned with the unemployment problem—San Francisco, away across the continent—and I shall call upon the official representative to the conference appointed by the governor of California and by the mayor of San Francisco.

I think that perhaps the fairest way to proceed to get light on this subject from other states, is to take up the commonwealths in their alphabetical order. I have before me the list of the known delegates from the different states. I will, with your permission, call on those who I have reason to believe are in the room, and, having heard one spokesman from each state, we will then perhaps have time for additional speakers approaching the problem from other angles in the different states.

CHARLES RICHMOND HENDERSON, *Secretary, Chicago, Illinois, Unemployment Commission:* I shall endeavor to tell you briefly what we in Chicago who are working on this problem of unemploy-

ment have found, and what we are attempting to do. We have found, in the first place, that the situation, as far as we can discover, is not abnormal. The reports to us from the trade unions and from the administrators of charities are somewhat conflicting, but on the whole our unemployment commission, which has been at work for over two years at the request of our mayor and council, believes that there is nothing this year very different from what we ordinarily have. The trade unions that we asked this year to report say, with one exception, that they have not an unusual number of persons unemployed. The county out-door relief agent reports that he has not an unusual number of families to assist. The united charities, which is our largest charitable organization, reports that it has a larger number than usual, due not altogether to unemployment, but also to the operation of a certain law which has thrown upon it a number of families which were formerly assisted by out-door relief.

In regard to the agencies that we have been studying, we have found, as usual, a wrong and chaotic condition. The private employment bureaus have done most of the work, at an enormous cost, with great waste of resources, and sometimes with grave abuses on all sides. The usual effect of leaving a matter of such great public interest to private profit-making agencies is found.

As far as our free public agencies are concerned they are inefficient to a very high degree. I can blame—I am blaming—no persons; but the circumstances have been so deplorable, the agencies have been so ill-fitted for their work, and they have been supplied with such inadequate resources, that we may say they are almost a failure. Our public employment agencies need enormous improvement if they are fairly to represent the intelligence and the force of our commonwealth.

In regard to private efforts to relieve the distress, what we have actually done is very little. The dispatches show one picture:—400 Jewish garment workers, immigrants, yesterday, invaded the city hall and demanded not charity but a job, and no job could be found for them. We employed for two months a vigorous young man, who was to go to all the great employers of labor throughout the state, and appeal to them in the effort to find jobs for the thousands and tens of thousands of men who could not get work, and I think he succeeded in finding places for about 250 persons—simply

a bagatelle! It was an utter failure, and although the young man was appointed on the advice of the commission and of the mayor, they discharged him at the end of two months. His results, however, were worth all the cost of the experiment—for we learned that it is true that men cannot always get a job in America when they want it. Here were thousands of honest men, eager to work, and unable to find work on any conditions whatever.

We also thought we would try a new experiment. On the suggestion of the federation of labor we have opened one house and probably may open one or two more in proper quarters of the city, for the sale of the necessaries of life—food and fuel—substantially at cost. I found, however, that it was an experiment that the legislators of Hamburg had tried in 1788. Of course it will help a few families; but it is just a little drop in the great ocean of suffering and want.

We purpose, however, to improve our public agencies if it is possible to do so. We have already offered a bill which was last year submitted to a committee but never got out of the committee. The legislature seemed to care nothing about it.

I will not take time to give statistics. Of course our commission, as is usual, collected a great many figures. They are, as usual, also, confusing. But if any member of this conference desires a copy of the report, he can have it upon application to the mayor; he will then have figures to his heart's content.

But recurring to my first point—and I think it is the essential point for us—I said that the conditions were not very abnormal. But the tragedy of our situation in Chicago is that it is just the ordinary, inevitable, steadily recurring situation of every great center of industry throughout the world. *That* is the fact which we have discovered. Our unemployment is not simply spasmodic, nor spectacular, nor unusual, nor peculiar to this year, nor due to the change of administration, nor to any of the causes to which it is usually attributed. We have in Chicago, as throughout the world, wherever men are gathered in great industries, the fact of the great reserve army of workers without jobs; men who must eat; men who must live over those times at their own cost, in order that our great industries may continue. That is the problem which we have confronting us in Chicago, and which we do not think that any legal means can solve. And I have come here from the middle

west, from a great industrial city, to learn what I can, and to unite with you in the effort not only to help our American agencies, but to bind ourselves together in a national enterprise, with municipal, commonwealth, federal, and even international organizations, at least to mitigate, if we cannot altogether prevent, the suffering that inevitably comes through the conditions of the great industries in our time. That is the message that I bring from our commission and its two years of study in Chicago.

ANDREW J. GALLAGHER, President, San Francisco Labor Council, California: San Francisco's experiment in the matter of taking care of the unemployed this year was only sort of a panacea; it did not do any good; it was merely an effort to relieve the situation temporarily.

I shall say for California that we had an extraordinarily large number of unemployed. In the winter a good many of those who are unemployed, and who can do so, move toward the west because the weather conditions there are better, and because the man who is down and out—the migratory laborer so-called—has a better opportunity in that climate, at least as far as climate is concerned, than he has elsewhere. So that this winter we found our unusually large local unemployment problem complicated by an unusually large number of unemployed who migrated to our state as a result, we believe, of a larger amount of unemployment throughout the country generally than formerly. In San Francisco we treated the problem as best we could. We found ourselves with from 3,000 to 6,000 men who had come to San Francisco, and who clamored for work and for bread. The city council gave to the limit of its resources, and every man who applied was taken care of. The citizens subscribed to a fund and work was provided, at very low wages, however, not at all commensurate with the work performed.

There was one idea we did destroy, and that is the idea that these men were worthless, that they were unworthy of assistance, that they would not work if work were provided, that they simply migrated to California in winter because the weather was somewhat pleasant, and that they cared to stay there just long enough to wear off the chill of some other place. I can say to you that our experience in the matter of providing employment for men, that is, as to their acceptance of it, was remarkable. The reports which reached

us through five different sources—the departments having charge of the men—were to the effect that the percentage of men unwilling to work was a very, very small one, so small that it was surprising.

We have an idea that central employment offices, provided by the cooperation of all of the governors of states and mayors of cities, might very much relieve the situation.

W. R. FAIRLEY, Organiser, United Mine Workers of America, Alabama: While a member of the United Mine Workers of America, I am here representing the state of Alabama. As far as unemployment in Alabama is concerned, it is not more acute at this time than in any previous winter that I know of. There has been no effort made, however, in the state, for municipal employment agencies. The licensed employment agent is doing his work as he has done it for many years; the state has taken no interest in the matter, nor attempted to alter that condition.

As far as charity is concerned, and helping men who are out of employment, charity is greater now than it has ever been, more assistance is being given to those who need help than I remember in my lifetime. I want to say, however, that people do not desire charity, they desire employment. I hope that there may be something done in this convention to give some impetus to the matter of giving employment, instead of doling out charity when times are hard. When I get home I shall certainly advocate the institution of municipal labor agencies, so that men who are out of employment may depend on having a fair deal when they are seeking employment.

WILLIAM J. GHENT, Phoenix, Arizona: In the municipalities of northern Arizona the number of unemployed persons this last winter and spring has apparently been about normal. In the southern half of the state, on the other hand, in spite of a generally brisk condition of business, there has been a great surplus of labor.

The mild and healthful winter climate here always draws large numbers of unemployed from the north and east. The unusual surplus this year came largely from California—a receding wave of the tide of workers who sought the Pacific coast for employment last fall.

Most of these workers, after trying out the southern towns and cities, moved on to the east and north. Bisbee, Tucson, Douglas and Yuma report about the same condition as has been witnessed in Phoenix. In spite of this movement, however, the permanent surplus of labor for the winter and spring has been abnormal.

Little has been done in the matter of official measures for relief. A heavy drain has been made upon charity organizations, trade unions and fraternal associations in giving aid to the destitute, but the municipalities have in the main ignored the problem. In some of them the "move-on" policy has been adopted and rigorously carried out. In Phoenix and in Bisbee the Socialist platforms in the spring elections demanded official relief, but it has not been forthcoming. In Phoenix, following a visit of committees from the Trades Council and the I. W. W., the common council established a free employment bureau, which has done some good, but in no place has public work been extended in order to give employment.

WILLIAM C. CHENEY, *Cheney Brothers' Silk Company, South Manchester, Connecticut:* I can say only a few words, coming from what might be called the rural community of Connecticut in a somewhat industrial center.

It is my understanding that this condition of unemployment has not existed or does not exist in Connecticut to any alarming extent. I can say, as an employer of labor, that it was very hard last fall to get help. However that condition has disappeared somewhat, and employers in the textile industries now have a much better opportunity of choosing their class of help. This, of course, naturally throws out many people who perhaps are very anxious to obtain work, but with very slight letting up in business. The employer has reached a point in Connecticut, I believe, where he is obliged to discriminate somewhat in the new help which he takes on. I do not think any concerted effort has been made outside of what is always done in municipalities and towns to modify this condition, because, as I said before, it has not taken an acute form just yet, although in cities like Hartford, New Haven and Bridgeport I believe there is perhaps an unusual amount of unemployed labor at this time. This is a natural condition which seems to come about at different periods. I shall be very glad to take back to our most respected governor of Connecticut, or to any one else

in that state, any recommendations which may be adopted by this gathering, or any plan which may come out of this meeting. Because, no doubt, if this thing continues, Connecticut, being very largely a manufacturing community, will have to face this problem as other communities have. The representative from New Haven may throw some more light upon the condition in the larger cities of the state.

WILLIAM S. PARDEE, New Haven, Connecticut: I do not think I can add anything to what Mr. Cheney has said. I am in the manufacturing business also, and we have had very few who came to us for help the last two months. I am located in New Haven and it is true that New Haven is pretty well employed. It is also true that during this last heavy snow storm the men they had to employ to clear the streets were large, able-bodied men. Ordinarily they have to employ the poorer class. Now that might indicate that the able-bodied men were out of work, but it was not so. They had to go and get the able-bodied men to do the work.

EMILY P. BISSELL, Delaware Child Labor Commission: Delaware is the smallest state of the United States in population, but in a smaller state we get closer to facts than in larger ones, where we cannot grasp all the facts. Delaware is divided into two parts—one part, the city of Wilmington, which has the problem of unemployment industrially, and the country, which has the problem agriculturally. We assume that the problem is most vital in the large cities, on the whole; but in Delaware we get the out-of-works coming from Philadelphia, Baltimore, and even from New York, while our unemployed go to Philadelphia, New York and Baltimore, so that I know from my experience the situation is interwoven—there is no city that lives to itself alone.

Unemployment in our town is said to be not as great as in 1893, but almost as great as in 1907, and greater than in other years between those times, so that I would say it is a little more than normal.

We have very few seasonal occupations, which make things worse, and laborers have been in demand in the farming communities even in the winter for certain work, so that ought to relieve our situation. We have no public employment bureaus or exchanges, but private agencies help some. The iron and steel works form

the greatest of our Wilmington industries, and the leather industries are second. In our largest industry, the foundries, we have worse conditions than in 1907, and no relief is in sight. At our shipyards we average only fifty hours of work a week, and only employ half the regular force. Of course these figures do not mean that these men are destitute. Some of them earn good money and are able to tide over these times, and many of the people tell us that by the first of March the conditions will be better. Another large machine shop is averaging only forty hours a week, with 25 per cent unemployed, which is about the same as it ran in 1907. Another large shipyard is putting in only a third of its usual time and about 50 per cent of the men are unemployed. The large cotton mills are running the same as usual.

We have no help for this condition. The city council has been asked to appropriate money for public work, but as it had a deficit it cannot do so. The one thing that may be of interest to this gathering is that Delaware suffers in its agricultural section from seasonal troubles. We could use a great many men in summer. Delaware has become a garden and blossoms as the rose, but we have to import labor under a sort of padrone system, from Philadelphia and Baltimore, to do the work. This is the worst kind of labor. The same condition prevails in New Jersey and Maryland.

JOHN F. CONNELLY, Maine Commissioner of Labor and Industry: In the paper-making industry employment has been steady this winter. A new working agreement has just been signed between the leading companies and their employees calling for a general average increase in wages of 11 per cent. The textile industry has as a rule been working the average number. I have heard it stated that the only exception to this would be among the manufacturers of the cheaper grade of woolens. The boot and shoe industry has employed about the average, with a slight slackness the past two months. The lumbering operations have employed not quite so many as the previous seasons, but about the average. The winter has been unusually severe, thus adding to the possibilities of hardship.

No organized effort has been made to relieve unemployment outside of what was done by the usual local charitable and similar associations and officials. The only exception that has come to my notice is at Bangor, where for the past week free meals have been

served to the unemployed by the city authorities; free beds were also provided at the county building by the county commissioners and the county sheriff. This has been necessary to relieve a temporary situation caused by the lumbering operations closing slightly earlier than usual and the continued cold weather of the past few weeks making the "river driving" season late in starting, thus increasing by about two weeks the "waiting period" between the two seasons of the lumbering industry. Large crews are now being shipped daily.

JOHN H. FERGUSON, President, Maryland State Federation of Labor: The state of Maryland is practically composed of one city and a number of villages. Baltimore is facing a great problem of unemployment. We have to-day approximately 25,000 men in Baltimore out of work. This would perhaps not seem such a great problem, if it were not that when these men are at work they receive such a meager wage that it is practically impossible for them to save anything to tide them over the period of unemployment.

Baltimore is a large clothing manufacturing center. It would hardly be fair to bring into the question the clothing workers who are not now employed, because the clothing industry is a seasonal one, and there are a great many clothing workers unemployed now who will soon go to work and work three months, only to loaf again, and then go to work for three months longer. They consider six months' work in the year a fairly good year.

In the building trades in Baltimore there are a great many men out of work due to the season of the year. There is no reason why there should be an extra number of building trade employees out of work because we have had an exceptionally open winter, and there have been more building operations than usual, but the fact remains that they are out of work. The building trades in Baltimore are not highly paid as in other cities, like New York and San Francisco. The miscellaneous trades in the state are fairly well employed. The printing industry, of course, holds its own—it always does, because it is indoor work—and we have very few men unemployed in that trade.

The lady from Delaware mentioned the number of people, and the class of people, who come from Maryland into Delaware. I would like to say that that is one of the gravest problems with

which we have to struggle in our state. In the garment working trade the workers were at one time almost entirely German. Then the Hebrews came into the trade, and the Germans were driven out. Now Baltimore is being overrun with Lithuanians, Poles and Italians, who are driving the Hebrew people from this trade, and it seems to me that the next step in this great industry will be the driving out of the Italians and the Lithuanians and the Poles, and the taking of their places by colored people. Baltimore is being exploited in the dumping of unskilled laborers. They are crowding our poorer sections, they are filling up our cities, and they are creating a condition in which we have not ten men for nine jobs, but where we have fifteen men for nine jobs. When that condition confronts the working people in any city you will find that there will be a continual driving down of the wage; and if the wages are driven down, when the person finds that he is unemployed, he has nothing to tide him over the distress period. The present distress is therefore very great in Baltimore.

We have state provision for a bureau for the employment of men and women who are out of work. Unfortunately, our state is not only a low wage state, but it is also a very parsimonious state. The bureau of statistics and information, which is supposed to take care of this out-of-work feature, is hampered through lack of funds. We have a very able chief—and yet this man is supposed to take care of the child labor law, the factory inspection laws, and of all the other laws pertaining to a bureau of labor besides, and he is supposed to look out for the unemployed people in the state of Maryland, and he is allowed \$10,000 per annum with which to do it. Out of this there are many salaries to be paid; one of \$2,500, one of \$1,600, three of \$900, leaving \$3,200 for rent, printing, incidental expenses, etc., in taking care of 25,000 unemployed people. It is a tremendous amount of money to entrust to one man!

In the trades unions we have various ways of taking care of the men. In my own union, the typographical union, we have a way of taking care of our people, and other unions are trying similar plans, but there are many people who have not yet seen the light, and who have no one to take care of them. We are very much interested in this problem of unemployment, and if, I can carry back to my people in Baltimore some solution of this problem, I shall think that my trip has not been in vain.

WALTER M. LOWNEY, Director, Boston, Massachusetts, Chamber of Commerce: I am here under instructions from the Boston Chamber of Commerce, of which I am a director. I am here to learn. I am personally interested very much in the state of unemployment. I have no figures, and can give you no special information, but in my opinion there is not at the present time in Massachusetts, or in Boston, any larger number of unemployed people than is normal. I would rather incline to believe that at this time there are less unemployed in Boston and in that immediate vicinity than there were a year ago.

JAMES V. CUNNINGHAM, Michigan Commissioner of Labor: This matter of unemployment is one in which Michigan as a state is interested, and since 1905 there has been some work done along the line of securing employment in the state of Michigan for the unemployed. The state operates five public employment bureaus. There have been other bureaus created by the legislature, but no fund provided with which to carry on the work.

The condition in Michigan at the present time is not what we consider bad. In Detroit, the largest city of the state, which is the great automobile manufacturing center, we have a large number of men unemployed. We have had them with us for some time. They all seem to strike out for Detroit, with the idea that there is a position open there in the automobile factories, and when they get there they seem to think so well of us that they hang around. It gives the employers in that line of business and others an opportunity to select the best material, perhaps, that comes to Detroit, and we have a large number of what they term up there "low speed men" who are out of work. The manufacturers' association secretary figures that there are somewhere around 40,000 unemployed in Detroit. The superintendent of the poor figures that there are about 15,000 unemployed. There seems to be some discrepancy between Mr. Whirl, of the employers, and the superintendent of the poor. Then Mr. Whirl also claims that there are perhaps 20,000 other men who are out of a job temporarily for a day or so, by reason of moving around from one place of employment to another.

The poor commission in Detroit maintains an employment bureau. I happened to be the first man in charge of it, and they did really good work there in the way of taking care of the boys of widowed

mothers who ordinarily cannot handle the boys themselves. They got hold of the boys and secured employment for them and tried to keep them in the straight and narrow path. My experience there was that the daughters of women who were being assisted were usually employed; they seemed to be better workers than the boys. Along with the boys the poor commission cares for those who apply for help there. There are men who are employed during certain parts of the year and they may apply for coal and provisions during the winter months. The bureau makes an effort to secure work for these men. Some of them may not be able-bodied, not able to do hard work, but there is an effort made on the part of the man who has charge of this particular department to secure some particular work for the men who cannot do all kinds of work. They try to get a job to fit the man.

The free employment bureaus operated by the state are located in five of our cities. On February 6th of this year I wrote all the county clerks in the state in whose counties there are no public employment offices, asking them to cooperate with us by maintaining a free bureau in connection with their regular work, in the absence of any law, and without any additional remuneration for their services. I said to them that I believed the satisfaction they would derive from the fact that they were assisting the unemployed and also those who wanted workmen would be a fair remuneration, for the present at least. Possibly later on some laws might be arranged whereby they would be paid for their services. Within two weeks over one-half of the county clerks in the state had agreed to take up the work, and I forwarded to them the necessary equipment. I am in hopes that through those agencies in the different farming communities we will be able to get a lot of the farm workers who are at present in the state back out to the farms, and that after they once get out there they will be kept out there. At present when we send a man out fifty, sixty or seventy-five miles to a farming job, when he gets through with that job he comes back for another position. Now I am in hopes that when a good man gets through with one position there, the county clerks and farmers may make an effort to keep him in the locality. This week we advertised in the Detroit papers for all men desiring to go to work on farms either to send their names and addresses to us, at our offices, or preferably to call there and register with us, in order that we might be able to

know where to find farm help; and I hope that a great deal of good will come from that.

I have all kinds of confidence in public employment bureaus. I know a lot of good can be done through them. I have no particular desire to state who should carry on this work. I may find, perhaps, that some think the federal government should carry on the work; others, that municipalities should; others, that it should be taken out of the hands of the state labor department, and so forth. I do not agree with people who think it should be separated from the state labor department, but as I say, I am not seeking to convert anybody. I believe that it is a matter pertaining strictly to labor and I believe that if your labor departments in your states amount to anything, that is the place where this employment department positively and strictly belongs. I believe if the man at the head of the labor department is honestly interested in the welfare of humanity, he is the fellow who can handle this with less expense than anybody else.

MARIA L. SANFORD, University of Minnesota: As I have been in New York since the first of November, I am not able to give testimony in regard to local conditions. But there is one thing in Minnesota that it seems to me is worth while to mention in this conference. The city of Duluth has been digging sewers through the winter, for the purpose of keeping employed the men of the city who need help, employing first the men with families and after that men who have been residents of the city for some time. I understand that the experiment has been found successful.

L. A. HALBERT, Superintendent, Board of Public Welfare, Kansas City, Missouri: In Kansas City the board of public welfare made some study of unemployment in 1911, and has made a small study of it lately, with a view to giving some information here. The study in 1911 was more careful, and we got from the employers of labor in manufacturing industries and in contracting work a statement with regard to the fluctuation in the number that they employed at different seasons of the year, which showed that there was a considerable difference between the summer and the winter. We also estimated the number of unemployed homeless men who came into Kansas City in the winter time, who were ordinarily engaged in farm labor, and in railroad construction work, and we made an

estimate of 6,000 unemployed from usual changes in seasonal occupations.

Lately we wanted to find out the number of unemployed and went to the places where men seek employment in the larger industries. In that way we made an estimate from about one-half of the large manufacturing cities and other cities in the state where people usually apply for employment; we added to that the homeless men who come in from outside of the city, and we arrived at the figure of 10,000 out of employment. But only half of the places where people usually are employed were running when we went to count, so that there should be 3,000 or 4,000 added if the proportion remained the same throughout the whole number of establishments, which would make the number of unemployed 13,000 or 14,000. And that takes account only of wage workers, and does not take in the professional and clerical classes. There may be some always unemployed in those classes, which would tend to show a total volume of unemployment in the neighborhood of 15,000.

The trade unions reported to us a total of 5,000 men out of employment. The maximum number of labor union men in Kansas City is 20,000 or probably less, so that their estimate would show 25 per cent of the union men out of employment. Of course if that condition extended throughout the wage workers of the state, it would again justify an estimate of about 15,000, because the average amount of unemployment among union men is at least no larger than the unemployment that would prevail among wage workers generally.

The amount of relief that has been asked for at the Provident Association, which is the one great relief agency of the state, is one-third larger than it has been in other winters ordinarily, and the amount of relief that we have been required to grant through the Helping Hand Institute has been nearly twice as large as it was before.

The number of jobs that we have been able to secure through our employment bureau is smaller this winter than last, and is much smaller in the winter than in the summer. Last summer it reached as high as 300 jobs a day, but at present it is about forty.

It is very difficult to tell to what extent our experience is representative. We have had a system of providing for the able-bodied unemployed at a municipal quarry, where they are paid a small price

for breaking rock used for construction purposes. But that system has a tendency to cause men who do not like to meet that kind of a test to go to the other cities where they hear that a large amount of free lodgings and free meals are being distributed. St. Louis opened a municipal lodging house which had 200 or 300 men the first day, and the number increased to over 1,000 that were being given free lodgings at one time; the men were furnished one meal a day when the officials were unable to offer them employment. I stated to the superintendent that the accommodations were very crude, and he told me that the men liked it better than they did in Kansas City. I said that that was good for us, commenting on the fact that the men knew they had to work for what they got in Kansas City.

It is doubtful if unemployment in Kansas City is worse than in other places. Still, it is a railroad center, where thirty-two railroads have lines, and a good deal of construction work is carried on, so that we have a rather undue proportion of transient laborers.

L W. J. SWINDLEHURST, *Montana Commissioner of Labor and Industry*: I have just completed, at the governor's request, a ten days' investigation in the cities of Great Falls, Billings, Butte and Missoula, during which, in addition to making a thorough personal investigation in the cities mentioned, I endeavored to ascertain, by inquiry among large employers of labor, representatives of labor unions and officials of charitable and philanthropic organizations, the conditions prevailing not only in the cities actually visited, but also in adjacent territory.

In any survey of labor conditions at this time of year it should be borne in mind that, not only in Montana, but in other northern latitudes, there are many large avenues of employment which are necessarily closed during the winter months. Climatic conditions compel the cessation of activities in practically all outdoor construction work, a class of work which has been unusually heavy in Montana during the past few years. In addition, the demand for farm labor in winter is much lighter than in the summer; and in fact, this statement will hold true with many other lines of industry in which unskilled labor is largely employed. This condition is, of course, appreciated by the great body of workingmen, and is, as far as possible, provided against. Reviewing present labor conditions in Montana in the light of these facts, it is my pleasure to

report that the situation in this state not only fails to present any unusual or alarming features, but is, I can conservatively say, better than the average found at this time of year. While there is plenty of labor to meet the present demand, there is comparatively little idleness, and recent newspaper statements regarding the number of unemployed have been exaggerated. The only place in the state where idle men are to be found in any great number is in the city of Butte, where there are estimated to be 2,000 unemployed, and this condition is apparently due to the activity of the copper mining industry in that locality, with its comparatively short hours and high wages, which has attracted a considerable number of unemployed from other states, especially from the copper mining district of Michigan, now suffering from a prolonged and bitter strike.

Considerable new railroad building has been going on in the northern part of the state during the summer and fall of 1913, and practically all this class of work is now necessarily closed for the winter season. This has resulted in the enforced idleness of many men, and a large proportion of this class of laborers naturally drifts into the larger towns tributary and adjacent, adding to the number of unemployed. Despite this condition, however, I was informed by reliable authorities at Great Falls that there were not to exceed 100 idle men in that city. In practically all of the larger cities of the state, the police department freely gives lodging and breakfast to unemployed men who are entirely without means of support. It is interesting to know that in the city of Great Falls there were only 68 requests for this kind of accommodation during the month of December—a number no higher than usual during the winter months, according to the chief of police.

In Butte, while conditions are somewhat unusual, they are not at all alarming. I spent several days in that city, and made a very thorough canvass of the situation. I visited the Butt Free Employment office, the Salvation Army headquarters, and talked with many laboring men. When asked about the number of idle men in Butte at the present time, Mr. J. B. Savage of the Butte Free Employment office said he thought 2,000 would be a conservative estimate. In this connection, however, attention is invited to the fact that even in normal times, there are in Butte, according to Mr. Savage, an average of from 500 to 600 idle men, the inevitable floating population which centers in a large industrial community. A large

proportion of the present force of idle men are miners from the Calumet and Hecla district in Michigan, and many of them are given rustling cards, and make the rounds of the mines daily in search of work. With the Butte mines working to full capacity, many of these men secure employment, either temporary or permanent, while those failing, leave for other localities, thus gradually lessening the number of unemployed. It is satisfactory to note that the situation has not been sufficiently bad to warrant the establishment of soup houses, and in nearly all cases, the men have been able to provide for themselves. The Salvation Army has established relief stations throughout the city, and other charitable organizations have done their part, and assisted materially in furnishing help in extreme cases. Compared with the large number of men who find daily employment in our industries, the percentage of those now subject to enforced idleness is gratifyingly small. With approximately 16,000 men working for daily wages in Butte, even the 2,000 unemployed in that city is not alarming; while remembering that there are at least 2,500 wage workers in Great Falls, the idleness of less than 100 appears infinitesimal.

HARRY J. GOAS, New Jersey Department of Labor: I desire frankly to confess that I have come here for information, with regard to possibly establishing a permanent state employment agency.

Our state has done practically very little in the way of helping unemployed people, particularly at this season of the year; but I assure you that we are very much interested in the problem. Our commissioner is unfortunately absent, but he is very much interested in the establishment of a proposed central system of offices to take care of this problem of unemployment. He has had the question under consideration for a long time.

There are one or two things I thought of bringing to your attention for what they are worth: In the city of Newark quite a large body of unemployed working men made a stampede, demanding employment, and the condition seemed to be so utterly desperate that they were almost prepared to do some damage to property. What was our surprise to find, a very few days afterward, when a new street was being opened, that instead of a large army of men applying for the work, at fair wages, there were only about half of the number. In other words, I frankly believe that this question of unemployment

has been to some extent overestimated. In going around to the various shops in New Jersey, I have made it a point to inquire whether the conditions have been unusual, and I find, to my satisfaction, at least, that there are constantly recurring times of unemployment in all lines of business, in the largest enterprises as well as in the smaller enterprises. I think you will find that characteristic in all parts of the world.

But that does not solve the problem. The question is to relieve that ever-recurring condition as much as possible, and that is our purpose in New Jersey. In connection with that I may mention that the commission on immigration made its report this past week to Governor Fielder. The commission was looking up some of the abuses that had crept into the private employment agencies, the padrone system and other questions connected with the incoming immigrants, and among other things they call attention to two ~~features~~ that I think are very *à propos*. One is that the private ~~agency~~ law should be enforced, and free employment bureaus with special provisions for immigrants should be opened. At the present time there is a deplorable lack of information as to where work is in the United States. Where are these people to go to find out where work can be obtained? That applies only to one class—the immigrants entering the United States.

The second recommendation is that the government should furnish information about agricultural opportunities, describing the land, the condition of the soil, its nature, etc. This will turn many consumers into producers for the New York market. The intention of the average immigrant on landing seems to be to go to some shop or factory, and this makes the problem very acute.

H. H. WHEATON, *New York Board of Industries and Immigration*: For some months I have had many applications made to me for positions, principally, of course, by aliens, and we have been put immediately against the problem of securing positions for these applicants. But in very few instances have we been able to place these men in the vicinity of Buffalo. About four months ago our labor situation was so tied up, with our steel industries and foundries in the vicinity of Buffalo, that I will refer to this as an instance.

Our largest steel industry, which ordinarily employs about 5,000 or 6,000 men, discharged all but about 1,000 or 1,200. Since that

time it has increased its force to about 35 per cent or 40 per cent of the original number employed. Most of the men employed in this plant are aliens, Poles, Russians and other men of the Slavic races. One plant for several months has been running two to three days a week, just enough to carry its regular force along so as to give them some employment and some income. I called up the manager of a metal ware specialty plant and asked him how many he had employed at the present time, and he was absolutely unwilling to state. He said that he did not want to commit himself, that it was bad enough and that he did not want to give any figures, for fear of giving an erroneous impression about their business. Such, I believe, is the general attitude of the employers at the present time. They fear if they give out the exact figures of the number of men employed they will lose business prestige. So that all of the reports of employment which we got from employers in the vicinity of Buffalo are somewhat magnified. I am beginning to think they are employing a far less number than they claim to employ at the present time.

Then I canvassed another phase of the situation. I took up this matter with the Charity Organization Society and asked them for their figures. Of course they touch only families and homeless men, but particularly families. They said that out of all the families they were providing provisions for or assisting in other ways, a large number contained able-bodied men willing to work. They declared that whereas last year they treated something like 125 to 130 families in which there were able-bodied men willing to work, at the present time they are carrying along 300 or 400 such families, an enormous increase over those they have carried along in previous years. They brought to my attention one interesting fact, and that is that the families they are caring for now are largely American, the Germans coming second, and English, Scotch and Irish coming third. The other alien families were in the minority, and have not applied so generally for assistance. It seems, therefore, that the oldest established population, as one might say, has been struck the hardest, and that they are applying for charity now more generally than the aliens—at least in Buffalo. The Charity Organization Society gives the figures of men out of employment at the present time as something like 10,000 in the city of Buffalo alone. Labor unions and those directly connected with the labor union

interests state that the number will reach about 15,000 or 16,000 in Buffalo, whereas I have it from the Buffalo Local Aid Bureau, which touches the problem from another angle, that there are at least 20,000 to 25,000 men out of employment in that city. I am inclined to think that the labor unions' estimate is perhaps the better and more conservative.

As to what we are doing in Buffalo, I may say there is some effort on the part of the Erie county lodging house to place men in positions. It runs a kind of public employment agency, but not on any scientific or well worked out basis, because it has not the equipment, the funds, or the men to carry out the work efficiently. The city has no employment officer and the Charity Organization Society endeavors to place only the able-bodied men who are in the families it is caring for. So that we have no scientific or definite organized plan of handling our unemployed in Buffalo and vicinity. There is one attempt in East Buffalo, the Polish section, to build up a public employment exchange, and they are setting out now to raise a fund of \$15,000 to carry on this work. But outside of these two or three features we have no definite or organized effort to reach our unemployment situation.

I want to say one thing in closing, and that is that it seems to me we shall never be able actually to solve this problem of unemployment until we are able to reach and organize our industries upon a better basis. I conceive that the problem of labor depends for its solution upon the solution of the greater problem of organizing our industries on a better basis. You may have public employment offices, you may have private employment offices, you may have a fairly well organized labor market; but until you have a more stable industrial condition you will never be able really to solve the question. Labor depends for its subsistence upon industry, and until we have taught industry how to conduct itself, and to see to it that it does not employ 10,000 men one season and 2,000 the next, over-produce at one time, and under-produce at another, you will never be able to solve scientifically this unemployment phase of the situation.

FRED C. CROXTON, President, American Association of Public Employment Officials, Ohio: We have very few actual figures in Ohio showing the conditions of unemployment. Probably the most

significant figures are those secured from our public employment officers. In January, 1914, 16 per cent of the applicants were sent to positions; one year ago 37 per cent of the applicants were sent to positions. Speaking for the American Association of Public Employment Officials, the particular object of that association is to increase the efficiency of the public employment offices. One of the methods by which we hope to increase that efficiency is to secure some uniform system of making and keeping records, so that when figures are given they will mean exactly what they are intended to mean.

MARIE D'EQUI, Portland, Oregon, Unemployment League: In November of last year there were 10,000 or more unemployed in the city of Portland. When an effort was made to call the attention of the city and county authorities to the problem they got together and thought the best way to deal with it was with a wooden club. They thought the unemployed should be driven out of the city of Portland.

The unemployed then visited the different labor organizations and asked that delegates be sent to a mass meeting which was to be held on the first Sunday in December. Notices were inserted in the papers, and although it was a rainy, miserable day, there was an immense gathering. It was right before Christmas and all the charity places were filled, some having to stand up all the night through. In a store that would accomodate only about fifty people there were 185 sleeping on the floor at a time, and the basement was packed. No relief could be procured from either the city or the county. It seemed impossible. When we tried to get state relief work we were hampered because we had a Democratic governor. There was an effort made to give work to the men on the roads, but the emergency board got together, and there were enough Republicans on the board to stop the move, so that fell through.

Of course the papers did not want to say that there were 10,000 unemployed men in Oregon; it doesn't sound good. It doesn't sound good to say that there are 300,000 unemployed in the state of New York either. The Portland Chamber of Commerce sends out literature inviting people to come out there to settle; but when there is unemployment the fact must not get out; it is bad for a new country, and it is bad, too, for an old country, like New York.

Last year we had a little strike in Portland, and there was an immense turmoil, as they are against organized labor in Oregon. A very bad feeling had been engendered during the summer months. There had also been the free-speech fight, so-called, and a parade started out on a rainy Sunday. They didn't ask permission from the mayor, and it was a different parade from the parade of the little tannery girls—there were 8,000 unemployed, hungry men, who meant business, and said they meant business. They were hungry, they asked for work, and they said they were going to get food, and they rushed the restaurants, and when they were arrested—what could be done? The jails were not large enough to hold 8,000 unemployed men.

We have what is called the Gipsy Smith Tabernacle. The state pays \$75 a month toward that tabernacle. They had no use for this building; they never could rent it, and they never made a dollar on the investment. We have a commission form of government now, presumably made up of business men, and still this investment would not pan out. And so we asked that the Gipsy Smith Tabernacle be given over to the unemployed, and we had to fight until long after November before we could get these premises, and then we did not get them until five men lay dead in the morgue at one time. That was too much to be told on the streets of Portland, so they opened the tabernacle.

Every time you ask for something you are an I. W. W. I call the I. W. W.'s the muck-rakers of the world; they are not afraid to get up and tell of a thing that is wrong when they find that it is wrong. It is the duty of the state and of the health officers to tell of it—but the I. W. W.'s tell it. I want to say right here that I am a radical Socialist.

They said that we had to go to the representatives and to the wealthy business men to get work for the unemployed, that the men did not know how to get work for themselves. Well, we tried this too, but the men are still out of work. Of course a good many of the lumber camps were closed down because of the new currency law.

After a time the state and county officials said that we could not have all these men congregate in Portland, and therefore the young men started in armies of 100 to go out of Portland and leave the

field open for the older men. They found when they got to certain towns, like Albany, for instance, they were given their breakfast and then the firehose was turned on them. And they sent for me. I went down, and I changed the psychology of the towns toward the unemployed. I was arrested five times, but I didn't mind. In the big towns I am not noted, I am notorious. In the little towns I am noted, because I am the friend of the workman. While I was down in the country the men were driven out of the tabernacle, on the ground that they had to be vaccinated, as a case of smallpox had been found. So when I got back, we had to have it reopened. Since then we have had less crime in our city, and less vagrancy.

I have heard very little said here about shortening the working day and the working week. I think we ought to get down to business. I think your hope will come from the west, because we will shorten the work day long before you will, and we will emancipate you.

Lew R. PALMER, Pennsylvania Department of Labor and Industry: Pennsylvania wishes to say that she will cooperate very heartily in this movement against unemployment, and we welcome the opportunity. We are a new department and we are busily engaged in organizing it, taking up some of the more elementary steps in our organization.

I wish to say that I agree with the gentlemen who have said that the work of conducting public employment bureaus belongs with the state labor departments; not because I am a member of such a department, but because through our business training I believe it can be more efficiently operated if handled in that way. I also believe that it should be effected in cooperation with the federal authorities.

This is a new subject, and it will save the various states a great deal of time and money to be able to start with a commonly accepted standard. We find in sending out our present blanks that there is considerable opposition to duplication of reports. That can be avoided by carrying on your work through the existing organization. I think that the departments of agriculture should also be consulted. They are in touch with the farming conditions. The Industrial Relations Commission also would welcome the work and the information that will grow out of this organization.

As an officer and director of the National Council for Industrial

Safety, I wish to say that if we can keep our working force more constant it will eliminate many accidents. One of the features that increases the number of accidents is the new-man element. If a plant is connected with an efficient labor exchange there will not be the necessity of continually getting new men when they are needed, but the men will be experienced in the work of the plant, and will not be so liable to injure themselves or their fellow workmen. As to cooperation with the municipal organizations, that is essential, and will add to the efficiency of the state bureaus.

WILLIAM H. FARLEY, Superintendent, Rhode Island Free Employment Office: I was rather surprised, at the beginning of this session to-day, to hear so many men and women speaking of the conditions as being so good; but the last few speakers have changed the situation.

In Rhode Island the condition is worse than it has been since 1907. We have in Rhode Island the manufacture of jewelry, the most expensive and the cheapest, I guess, manufactured in the world. There are about 30 per cent of the total employees in the jewelry trade working to-day. Seventy per cent walk the streets about three-quarters of the time. In the metal trades 50 per cent are out of work. In the textile industries 35 per cent are out of work. Still, we think we have not seen the worst of it yet. In Rhode Island we attribute it especially to the change in the tariff. We feel and think that the tariff has interfered with the industries of Rhode Island to such an extent that the state will be hit harder than it has been hit yet.

Now we understand that while we are here trying to advise ourselves how to help the unemployment situation in America the capitalists of this country are putting the most up-to-date American machinery into China. I do not see how Rhode Island will be benefited by this. We are a fifty-four hour state and we have had a pretty hard time competing with other states that have sixty and sixty-two hours in their working week. The wages in Rhode Island have been higher than those they have been competing against in other parts of the country, notwithstanding the shorter hours. So that I don't look at this thing as being solved in the near future. I think we are going to get it good and hard before we get through with it.

I think that the government should establish employment offices at all ports of entry, so that when farmers come here, instead of letting them go into the places already overcrowded, they could be sent out to parts of the country that would need their labor, because when you send a lot of men to places already overcrowded, it has a tendency to reduce wages, and this brings about hardship. The state legislatures will devote an enormous amount of money to state prisons, but they devote a very small amount to running public employment offices. You can readily understand that such an office cannot amount to a great deal unless it has the money to fight—to fight the private employment office. Men who have not studied the question do not know for a minute the hardships that are created and the injustice that is done by the private employment agencies. Unless the legislature will give you enough money to run it right, I would advise you not to open a state bureau.

W. L. MITCHELL, Tennessee Commissioner of Workshop and Factory Inspection: It is not for the reason that Tennessee is confronted with any serious problem involving the unemployed, but rather as a delegate from the International Association of Shop and Factory Inspectors that I am with you on this occasion.

We are endeavoring, as an international association, to solve these problems in our annual conventions and this of course, is one of the serious propositions with which the industries of our country are confronted. I feel that uniform legislation is one of the real foundation principles on which we can best regulate this evil and establish a remedy.

The amount of unemployment is affected very largely by the condition of the industries. There is another factor, however, that has not yet been mentioned this morning. In the last analysis, if I may be permitted to express a personal opinion, the shortening of hours by legislation is one of the real basic principles on which to combat this unemployed situation. By legislation a minimum wage scale has been established. This should, in my opinion, be made uniform by state legislation throughout the continent, and should be supplemented by an eight-hour day. We ought, by legislation or otherwise, to compel the fellow who is getting the major portion to kind of divide up a little bit.

H. T. HAINES, Utah Commissioner of Immigration, Labor and Statistics: The labor situation in Utah for the winter of 1913-14 may be said to be slightly under but near normal. Covering a period embracing the past four winters, the percentage of building mechanics out of employment during the past winter, may be said to be 15 per cent greater. The unemployed among railroad mechanics and train men was also slightly larger. In mining and other activities, labor conditions were about normal, likewise in railroad construction, street, canal and reservoir work.

No extra efforts were required by our regular charitable, municipal or state agencies to care for the unemployed. About the same amount of relief was extended by the regular charitable organizations to persons out of employment as has been given the past four years.

GEORGE G. GROAT, University of Vermont: The conditions of unemployment in Vermont are not very acute. The population is but little better than holding its own. The agricultural and manufacturing output shows an increase, so that, for that reason probably, the situation in the state as a whole is not very serious. The state being largely agricultural there is, as is true in most agricultural sections, rather a demand for labor than a surplus, particularly during the summer seasons. The nature of the industries, however, has changed somewhat, in the agricultural states, so as, to a certain extent, to standardize those industries through the establishment of creameries and dairies, making it all-year-round work.

I think it is true that such labor as the state needs for the summer work comes to-day from the southern New England states and from New York state. Such other added labor as may be needed in the state is also of a migratory nature. The organization of agricultural activities by county units is indicating what may be called social welfare work, and this all has the effect of checking unemployment as far as it may become a serious problem.

The other characteristic industries of the state are the marble and granite industries. In connection with the granite industry it may be said that the workers are very generally organized, and are able to take care of themselves. The activities in that section of the state are unusually good for this time of year. The unemployment

is severe only at times when the cutting of the granite is uneconomic. In the marble section the employees are not so highly organized, but the employment is more under the control of the benevolent employer, where perhaps everything that can be done is done toward the relief of any unemployment.

So that, taking those two industries, the agricultural and the quarrying industries, the situation is no more acute than at any other time, and the method for meeting this is the same as has been used for many years, namely, the work of charity organizations through the town units. There are no large cities in the state, as we would speak of large cities outside. The largest city is only 20,000, and that city is not very actively industrial. The other two cities that are comparatively large are Barre and Rutland, and they are the centers of the granite and marble industries, and the conditions are as I have indicated.

The work of harvesting the ice is just now calling for more labor than we can procure. The fact of a strike that lasted a little over a day among the ice cutters a day or two ago would indicate that the employees themselves feel quite sure that their services are indispensable. There are indications that the situation may become more serious, and for that reason a representative has been sent, for the purpose of taking back any suggestions that may develop in the conference in order to apply them to the situation before it becomes very acute.

JAMES BUCHANAN, General Secretary, Associated Charities, Richmond, Virginia: I believe we always ought to look facts squarely in the face. We are probably much worse off in Virginia than in some of the other states here represented. We have the problem of unemployment there, and as I look upon it it is one of the most grievous problems with which social forces have to contend. We have a branch of the American Locomotive Works, that usually employs about 2,500 people; it now employs only a few.

It is always almost an impossibility to approximate, even loosely, the number of unemployed in the state. I disburse local charities in Richmond, although I am here representing the state of Virginia. Our women nobly come to the rescue and hold the family together when many of the wage-earners are unemployed. Therefore for the casual observer it is impossible to find out what the actual situation

is. However, any observer knows that increase of the labor supply forces out the least efficient help. But the wives and children of this class must live, as well as the wives and children of the more efficient class.

There is a question before us this morning, and it is, Who is responsible for the care of the man who has a wife and children dependent upon him, when he is out of a job? An employment bureau does not get jobs, and the practical proposition is how to find jobs for the men who are looking for them who have families dependent upon them. Now, how are we going to get at that, and are the city and the state responsible? These are the questions that are thundering at our doors for a proper and legitimate answer. Have we a share in the responsibility? Has our commonwealth a share in the responsibility? Is it a fundamental, legitimate, economic proposition that the man who is willing to work ought not to starve? That is a question that our civilization must face, as well as advocate the other aspect of the same principle, that the man who will not work ought not to eat. This is a two-sided proposition. Let us face squarely the responsibility that comes to us, look the facts squarely in the face, and see if there will be a solution for the question.

WILLIAM M. LEISERSON, *Wisconsin Superintendent of Employment Offices*: The state employment offices in Wisconsin reported in January of this year 250 applicants for every 100 jobs. In January of 1913, a year ago, they reported 107 applicants for every 100 jobs. That represents as close as we can get to the situation in the state of Wisconsin. We found it not only inadvisable, but likely to be entirely erroneous, to try to estimate the number of the unemployed. You can see from the various estimates that were given here to-day that there seems to be no basis for it. But when you have an agency established that works from year to year, you can, by comparing one year with the next, get at some idea of the extent of unemployment.

The people of Milwaukee, which is our largest city, do not think that this state of affairs—250 applicants for every 100 jobs—is a serious enough situation, or an unusual enough situation, to take any further steps in regard to helping the unemployed. One reason for that is that they know that out of every 100 jobs that are available during any year, normal or abnormal, many must go unfilled.

for a large number of reasons. First, the people who fit the jobs are not there; second, many of the applicants are unable to work, they are old, or they are sick; third, some are unwilling to work, and there is a large number of these; and fourth, there is a large number who are willing and able to work only three or four days or a week or so at a time. They cannot stand it any longer than that because of the manner of life which they have been leading. That is the condition you find in normal years, and we have a large number of unemployed people of that kind always around. And so now, when we have two and one-half times as many unemployed as we have jobs for, the people do not think that it is unusual enough to take any further steps.

In Milwaukee, through the cooperation of the city of Milwaukee, the county of Milwaukee and the Wisconsin Industrial Commission, we have established an efficient public employment office that can tell absolutely, or almost absolutely, where there are any jobs to be had in the city. We do not have to go any further than that now. The question of knowing where jobs and men can be brought together is practically solved for Milwaukee, and the office is open to the people of that city.

So when the public employment office of Milwaukee gave out to the community the statement that we have 250 men for 100 jobs, the logical thing to ask was, Can not the city do some work now that it would have to do next spring? And the city answered that it could not do it now. Whether it shall take these steps or not is a question that rests with the people of the city, but the step to be taken is indicated.

The point has been raised that we can solve the problem of unemployment only by reorganizing the industries. I do not believe that we can solve the problem of unemployment for many, many years. I have it on good authority that, ages ago, Pericles started all his public works to give work to the unemployed. They had the problem even at that time, and we may have to wait as many years more before we can get the entire problem solved. But the point is that we ought to have the steps ready when the people make up their minds to take them. In representing the American Association of Public Employment Officials, I should like to bring this message here, that the first step in any plan of dealing with unemployment is to register the unemployed; to find out what kind they are, and then to gather and register your demands for help for the

same place, to find out how much work actually is available. Until you do that it is absolutely absurd to try to think of doing anything on the question of unemployment. Whatever remedy you may bring along, you have to do that first. When you have that well organized then the next step comes, the shaping of public work. And when your public is ready to take up that question, then the question of insurance against unemployment will come up. But you have to take these up one at a time, because it takes years to work out each remedy adequately.

Now the American Association of Public Employment Officials wants to make the public employment offices of this country, of which there are now about seventy, efficiently able to do the work for which they were established. They are not doing that work, and there is no use talking about establishing new offices unless you put those already created on an efficient basis.

JORGE BERA AYALA, Committee on Social Affairs, Havana, Cuba: [Address in Spanish.]

DELEGATE from Newark, New Jersey: I happen to be at present the representative of the Newark Municipal Employment Bureau. This bureau has been doing excellent work for the past four years. In Newark we have not 300,000 people unemployed, but only 6,000, but we have an acute situation of about 1,500 more men unemployed than we had last year, or in previous years before 1907. We have the problem of immigration, and we have no adequate system of distributing immigrants. They assemble in Hoboken, in Jersey City and in Newark, and that adds greatly to our problem.

JAMES M. LYNCH, New York Commissioner of Labor: I came here rather to listen than to say anything on this subject. I do not care to hazard a guess as to the amount of unemployment in New York state. I don't believe there are 300,000 unemployed in New York city, and I doubt if there are 300,000 unemployed in the state. I do not know as to the relative amount of unemployment at this time, but I agree with the general opinion that if there are only 3,000 unemployed there are 3,000 too many out of jobs.

I think Dr. Leiserson has contributed some very valuable suggestions to the conference. I have had this proposal up with the governor of the state, and the governor expects to send to the

legislature during the coming session a special message, accompanying it, if possible, with a draft of proposed legislation, imbuing it with some of his ideas and some of the best thought of the state. I do not believe this conference can do very much for the unemployed of to-day, but it can do considerable for the unemployed of a year from to-day. New York is not a penurious state, and if this proposition is taken up by the state I feel confident that it will be adequately financed, so that whatever we may do will be placed on a proper footing.

ALEXANDER LAW, International Brotherhood Welfare Association.: If there is any one city in this world where we should have no unemployment, that certainly is the city you are meeting in to-day—New York. And the most practical solution to meet unemployment that occurs to me just now is to put the entire transportation system of this city on an eight-hour basis. I hold in my hand clippings from the papers these last few weeks, containing statements from the employees of our public service corporations, especially the men employed in the subway, who complain that they are supposed to be working ten hours, and yet are compelled to work from ten to fourteen hours a day. I have it on the authority of the editor of the *World*, that New York city owns the subways. If New York city owns the subways, why we, the citizens of New York, own those subways, and if there is anybody who represents the city of New York it certainly ought to be the mayor of the city who opened this conference, and the public officials of this city; and I am pretty certain that I voice the sentiment of nine-tenths of the citizens when I say that the entire transportation system of this city should be put on an eight-hour basis, especially the subways. Not only the health of the employees demands this, but the safety of the traveling public demands it. The talk about farm work here to-day reminds me of something I once read about the boy and the cow. The boy fed it and he cared for it, but somebody else milked it! And that is the position we are in to-day, as far as our subways are concerned. Untold profits are being taken by the handful of men who control our subways. If there is any one thing we ought to go on record as doing, it is to serve notice that we insist that these subways, and the rest of the transportation of this city, be put on the eight-hour basis. That will furnish employment for at least two-thirds of the present force of unemployed

men. I hope that some of you ladies and gentlemen who are strangers here will make it a point to walk about a mile to the north and east and take a look at the tenements of this city. It is a disgrace to the civilized world and to the citizens of the state that we should stand for the tenement system of the city to-day. There are 8,000 vacant lots on Long Island, and two-thirds of the area is as innocent of any builing as years ago when Hendrick Hudson discovered the Hudson. And why? Because the speculators have it.

I will just close with saying that as long as we will stand for private property in land, it is only a humbug to have these conferences and think you are going to solve the problem of the unemployed. Unless you change all that, make up your minds that the unemployed, like the poor, will always be with us.

CHAIRMAN SEAGER: In summing up the discussion of this morning, the points that have impressed themselves upon me are, first, the general impression that the extent of unemployment this winter has been exaggerated; I am sure we are all very glad if that is the case. I am sure we all agree, however, that if there is any matter in connection with which the stirring up of the public is justified, it is this problem of unemployment. If it has been exaggerated, it is not in the sense that there has not been widespread unemployment, but solely in the sense that widespread unemployment is a usual and regularly recurring phenomenon.

The second point is the vital importance in any constructive program of reformation of public employment bureaus, that they will register completely the information gained. I think we were all impressed by Mr. Leiserson's insistence on this point.

The third point, and the point which we will make the topic of this afternoon's discussion, is the fact that unemployment is an industrial problem, that it reflects the chaotic, unorganized way in which industries are now carried on. To some extent, unfortunately, it is really to the advantage of employers that there should be unemployment, for under those conditions they can select their employees more carefully and improve their labor force, and they are also, under those conditions, less liable to encounter labor disputes. That aspect, and the need it points out of trying to regularize employment on the industrial side, is the one we will consider chiefly this afternoon.

III

THE STRUGGLE AGAINST UNEMPLOYMENT JOINT SESSION WITH THE PEOPLES' INSTITUTE

Presiding Officer: HENRY R. SEAGER
President, American Association for Labor Legislation
NEW YORK CITY

INTRODUCTORY ADDRESS

HENRY R. SEAGER

President, American Association for Labor Legislation.

I believe that notwithstanding the fact that so many different aspects of the problem of unemployment were touched upon in the addresses yesterday, notwithstanding the confusion of mind resulting therefrom, all of us have nevertheless had our thoughts somewhat clarified on this subject.

As speaker followed speaker yesterday I felt that the whole matter stood out more and more clearly, and that what ought to be done in this country, following, to some extent, what has actually been done in other countries, became more and more obvious.

The aspect of the question most impressed upon my own thought was the necessity for regularizing employment. It is still true that nine out of ten employers employ and discharge their wage-earners with very little consideration for the welfare of the wage-earner. That is to say, they look upon loss of work as a risk which the employee takes, and they have taken it for granted that the worker, on his side, can face that risk, and that he is in a position to find re-employment if he is discharged.

It is notorious, however, that that is not the case with the average worker, and this brings out the second aspect of the situation, that along with the chaotic and inconsiderate method of conducting industry which we have been following in this country, we have failed to develop any adequate machinery to help the discharged man to get another job. We have put it up to him to tramp the streets until he finds re-employment. Aside from the injustice, the cruelty of that system, the lack of economy must impress every one,—the loss of time, the loss of efficiency, and the loss of ambition that result from putting upon the individual worker the responsibility of finding a new job. That makes very clear, I believe, as the first need of this whole situation, the organization of the labor market in a way that will compare, as far as is possible, with what we have already achieved in the organization of commodity markets,

The labor market is the only market in which the burden is thrown upon the seller. All other markets throw the burden upon the buyer. Our stock exchange, our commodity markets, are all organized on the latter plan; but the labor market, which from every other point of view is vastly more important than any commodity market, is organized on the former plan. The buyer sits back and puts a notice in his window, "Boy wanted," or "Girl wanted," and throws upon the seller the necessity of coming to him and offering his services with a large chance of having the offer rejected. On that point all European countries are ahead of this country, because every one of them has developed some sort of machinery for relieving the laborer of this great and cruel necessity of tramping the streets in search of work when he falls out of employment.

Dr. Howe last night described in a very attractive way the manner in which Germany is meeting this need. After hearing him speak, I think we almost felt that in Germany it would be rather nice to be unemployed, to be able to go to one of these clubs, and to play checkers, or chess, while waiting for another job to be offered. Germany, as regards this phase of the situation, leads the world, not because its plan is more comprehensive than is proposed in the United Kingdom, but because it has been in operation longer.

The third aspect of the situation impressed upon my thought is the need of some sort of guidance that will assist the young boy and girl, on leaving school, to make a first choice of employment wisely, and to assist the more advanced worker to choose wisely when he is thrown out of employment; and in regard to this vocational guidance it is clear also that we need better machinery for trade and industrial education.

Finally, the aspect that was not brought out so clearly in the conference during the day, but that was emphasized in the addresses in the evening, is the need of machinery to insure those in seasonal trades against the financial consequences of unemployment, some plan by which the workers can pool their small savings in a common fund out of which they can draw out-of-work benefits when they are out of work. Such a plan is needed, furthermore, so that the wage-earner can enjoy each year the holiday which the salaried employee regards as one of the most important parts of his compen-

sation. It is really true that the only way for the wage-earner to get a holiday is to be unemployed. Every man employed ought to have a holiday of from two to four weeks in the year, and we ought to have machinery by which the wage-earner can draw his out-of-work benefit in the meantime and be assured of re-employment when he is ready to go back to work.

Through a system of unemployment insurance such as many of the trade unions have worked out and are operating successfully we may approximately cover this ground. England has demonstrated that what the trade unions have accomplished can also be undertaken on a national scale, through the national government. That is the fourth and last plank in the program of solution that has impressed itself upon my mind.

This morning we want to have other suggestions put before us. We want to have the all-important question decided as to what we should do *immediately*, and what measures we should take to secure these developments that must come only after further study and further education of public opinion. For as Professor Henderson said last night, one of our greatest difficulties in this country still is to persuade the ordinary, comfortable citizen that there is any real problem of unemployment. Many people still believe that if a man wishes to, he can get work, and if he cannot there must be something the matter with the man. That was said at a meeting on unemployment I attended recently—that the unemployment problem was not an industrial problem, but a relief problem, the problem of the hobo and the vagrant. That view is still common and it is only through persistent educational campaigns that we can educate our comfortable fellow-citizens out of the notion, and get general support for the complete program which is necessary for anything like an adequate solution of the problem.

PUBLIC EMPLOYMENT OFFICES IN THEORY AND PRACTICE

WILLIAM M. LEISERSON

Wisconsin Superintendent of Employment Offices

Public employment offices are now in existence in eighteen of the United States, in about sixty cities. The circumstances which led to their establishment have in the main been three: the abuses of private employment agencies, the lack of farm labor in agricultural states, and the presence of great numbers of unemployed wage-earners in the industrial centers. To these must be added the example of foreign governments and the growing belief that it is the duty of the state to prevent unnecessary idleness. Whatever the reasons for the establishment of the offices, the results have in most cases been the same. The administration has been placed in the hands of people unfamiliar with their design and purpose. These officials have either mismanaged the offices so that they had to be discontinued or else they performed their duties perfunctorily and in a wholly ineffective manner.

This, in short, has been the history of public employment offices in the United States. In theory they were designed to furnish clearing houses for labor, to bring the job and the man together with the least delay, and to eliminate the private labor agent, whose activity as middleman is so often accompanied by fraud, misrepresentation and extortion. In practice, far from supplanting private agencies, the free offices have not even maintained an effective competition against them. With few exceptions their operations have been on a small scale, their methods unbusinesslike, and their statistics valueless if not unreliable. Four states and about half a dozen cities have discontinued their public employment offices, and most of those now in existence are constantly on the defensive to maintain their existence.

ARE PUBLIC OFFICES A FAILURE?

Shall we say, then, that public employment offices are a failure, and give up all attempts to establish them? If we do, we should

have to say that our state labor departments, our factory inspection departments, our health departments should also be given up; for their history in the United States has been about the same as that of the employment offices. They have been manned without merit and their work is crude and ineffective.

The fact of the matter is, however, that employment offices, like factory inspection and the health work of our governments, are based on sound principles, and their lack of success has been due mainly to the general administrative inefficiency of our government work. In Europe, where public labor exchanges have been most successful, they are by no means all equally successful. Some German cities have active, business-like labor exchanges, but in other cities the work of the offices is as sleepy and inefficient as any of our own. The lesson is obvious. If we want successful public employment offices we must follow the example of the larger German cities, and put people in charge of them who understand the business, who know its principles and its technique, and who will work with vigor and energy to make their offices successful.

DO WE WANT PUBLIC EMPLOYMENT OFFICES?

But do we want public employment offices at all? Is the state justified in maintaining such offices? These questions must be settled at the beginning. Many thoughtful people see no necessity for such public agencies. Samuel Gompers in the *American Federationist* recently stated that the existing agencies were ample for distributing the labor forces of the country. A Massachusetts commission to investigate employment offices, argued that "for well-known reasons we never think of establishing governmental grocery stores and governmental dry goods shops in the hope of having the community better served than by private enterprises. The same reasons should clearly govern our attitude towards employment offices, unless it is shown that the employment office business is different from other businesses." Public employment offices, in the opinion of the commission, should not be established to compete "with the private office in placing regular domestic, mercantile or other skilled labor."

The trouble with these views is that they are held by people who do not understand the nature of the employment business. That the three months spent by the Massachusetts commission in study-

ing employment offices was not sufficient to learn the business is evident from the comparison with groceries and dry goods stores. As a matter of fact the comparison should be with the post office, the school system, and the distribution of weather and crop reports. The unfortunate thing is that not only the public at large but most of those in charge of our employment offices have not understood the nature of the business.

WHY WE NEED EMPLOYMENT OFFICES

In order to judge correctly of the public employment offices we must know the principles upon which they are based. What, then, is an employment office, and what are its purposes and functions? In a sentence, an employment office may be defined as a place where buyer and seller of labor may meet with the least possible difficulty and the least loss of time. The function of an employment office is best expressed by the British term "labor exchange". Exchange implies a market. It is an organization of the labor market, just as the stock market, the hog market, the wheat market are organized to facilitate the buying of these products.

Now, why do we need an organized labor market? Employers are constantly hiring and discharging employees. Workers are constantly looking for employment. The New York Commission on Unemployment reported in 1911 that four out of every ten wage-earners work irregularly and have to seek employment at least once, probably many times during the year; and it found unemployment and unfilled demand for labor existing side by side. Census returns, manufacturing statistics and special investigations all reveal the intermittent character of the demand for labor which necessitates a reserve of labor, employed not steadily, but shifting from place to place as wanted.

How does a wage-earner find employment? Interesting light is thrown upon this question by statements made to the New York Commission on Unemployment by 750 employers. Of these 458, or over 60 per cent, stated that they could always get all the help they needed, and practically all of them hired their forces from people who made personal application at their plants. Two hundred advertised in newspapers, and also hired from among those who made personal application at the plant. About fifty used employment agencies and ten depended upon trade unions. The main reliance,

therefore, is placed upon wage-earners calling at the plants, and upon the newspapers. What this means is well illustrated in a communication sent to the Chicago *Tribune* by a working girl. She wrote:

"For the last ten days I have been going to the loop every day to look for work. I am there at eight o'clock in the morning. I look for work until eleven. From eleven to twelve is the lunch period in most big establishments, and it is useless to try to see anybody at that time. My lunch in a cafeteria gives me a rest of fifteen or twenty minutes. Then I am back again on the sidewalk. The chase from building to building during the morning and the constant dodging of automobiles tire me. Is there a place where I can go to rest up?"

The girl's question does not concern us so much here as her method of seeking employment. Think of the waste of time and energy and the discouragement in going from door to door to ask if any help is needed. She had been doing this for ten days without success: and the significant thing about her search for work is that the demand for women workers is generally greater than the supply, and this was in a busy month, July, during a fairly prosperous year, 1913. What must be the waste and discouragement of men whose labor is not so much in demand?

This is the price we pay for lack of organization in the buying and selling of labor. The reason most employers can get all the help they need at their gates or by inserting an "ad" in a newspaper is because there are thousands of such men and women going from door to door and hundreds responding to each cue given in the newspapers. The labor market is still in the peddling stage. While dealing in almost all the important articles of trade is now systematically organized, with exchanges and salesmen and trade papers, labor must still be peddled from door to door by each individual worker. A recent investigation in the Philippines described how chair makers and box makers after working up a stock of goods take them to sell on a peddling tour in ox carts. When they want wood for their manufacture a member of the household sets out on the road and buys the first tree that suits his purpose. Our industries have developed far beyond this, but in the buying and selling of labor they are almost all in this primitive stage.

The economic waste from lack of intelligent organization of the labor market shows itself in the development of many small markets. Each factory gate and industrial district of a city tends to become a market. Each draws a reserve of labor ready to meet the fluctuating demands of employers. This reserve is increased by the multiplication of markets, and a maladjustment is caused between supply and demand. The manless job and the jobless man often fail to meet. There is an oversupply of labor in one place, and a shortage in another. Some occupations are overcrowded while others have not a sufficient supply. An organized market for labor is needed for the same reason that other markets are organized, to eliminate waste, to facilitate exchange, to bring the supply and demand quickly together, to develop the efficiency that comes from specialization and a proper division of labor. The good workman, like the good manufacturer, may be a poor merchant or salesman. An organized labor market will enable workers to attend to their business of working and will develop efficient dealers in labor who will be specialized as employment agents.

PUBLIC OR PRIVATE EMPLOYMENT BUREAUS?

Granting the need of an organized labor market, is it the duty of the state to organize it? Can we not depend upon private enterprise to perform this function as we do in the grocery or in the dry goods business?

It would seem a sufficient answer that private enterprise up to the present has not undertaken so to organize the labor market. Business men have let the distribution of labor lag more than a hundred years behind the general development of industry, not without good reasons. The main reason has been that the entire burden of the maladjustment is borne by the wage-earner. It is he who suffers from the loss of time and energy; and moreover the failure to get a job quickly makes him willing to take work at any price, tends to keep wages down. Wherever employers have felt a lack of labor they have developed some form of organized search for help. Thus railroad and lumber companies and other large employers of labor do have labor agents, and private labor agencies cater mainly to such employers.

But there are other reasons why private enterprise has failed to organize this service properly. The nature of the business is such

that to be successful it really needs to be a monopoly. It is like the post office and not like the grocery business. The service is a public utility. Little capital is required, the operations are simple and the profits are large. A labor agent who ships to a railroad one hundred men a day, which is a comparatively small number, makes \$100 or more profit. This tends to multiply labor agencies and keep each business small. In New York city alone there are almost a thousand labor agencies and yet 85 per cent of the employers never use them. In Chicago there are over 600. The multiplication of agencies has the same evil effect as the multiplication of labor markets. They merely make more places to look for work, and the more places the more are the chances that man and job will miss each other. The agencies, being in competition, will not exchange lists and an applicant for work may register at one while another has the job which fits him.

Furthermore, the fee which private labor agents must charge for their service precludes them from becoming efficient distributors of the labor force of a state. At the very time when labor is most overabundant, when there are many unemployed and it is important that those who can shall go to work at once, then the fees for securing employment are highest. A barrier is thus interposed to the proper flow of labor into the channels where it is needed. Moreover there is ever the temptation to the agent to fill his position from among people who are already employed. This practice is universal among private labor agents. It enables them to create new vacancies and to earn more fees.

But besides private employment agencies which charge fees for their services there have been attempts by trade unions, employers' associations and philanthropic societies to organize the placing of labor without charge. These, too, have failed, and for obvious reasons. Employers will not patronize a trade union office except when the trade is completely organized. It gives the union too powerful a weapon in the struggle for control. Wage-earners, on the other hand, will not go in great numbers to an agency maintained by employers because of its possible use for blacklisting, breaking strikes and beating down wages. If there is any one condition that is basic in the successful management of an employment office, it is that it must be impartial as between employers and workers in their struggles over conditions of employment. As for

philanthropic agencies, the tinge of charity has been fatal to them. No self-respecting wage-earner wants to apply at a charitable agency, and no employer will call for efficient and steady help at such an agency.

The state, and not private individuals, then, must be relied upon to organize the labor market, because the gathering of information about opportunities for employment and the proper distribution of this information to those in need of it require a centralized organization which will gather all the demand and which will be in touch with the entire available supply. The gathering and the distribution must be absolutely impartial. Wage-earners and employers must have faith in the accuracy and reliability of the information. There must be no tinge of charity to the enterprise, and fees big enough to interpose a barrier to the mobility of labor must be eliminated.

PHILANTHROPIC AND REGULATED EMPLOYMENT AGENCIES

Now it may be true that employment offices perform a public function, and that they are in the nature of public utilities, and yet the weaknesses of state activity may be such as to make it impossible for any American state to perform the service properly. Perhaps we ought to induce enterprising business men to organize the labor market on a large scale and then regulate them as we do our railroads and street car companies. This is the view of a recent French writer on unemployment, M. Bellet. Perhaps we ought to rely upon philanthropists to invest in this business, as they have done in provident loan societies and model tenements, with the expectation of a moderate return on the capital. This idea was expressed by Dr. E. T. Devine at the International Congress on Unemployment in Paris in 1910, and the National Employment Exchange established in New York with an endowment of \$100,000 is an embodiment of the idea.

It is not necessary here to enter into the relative merits of governmental regulation and of governmental operation. Suffice it to say that if this important function be left in private hands it will require the very strictest regulation to insure just treatment of all patrons and impartiality between employers and workmen in labor disputes. The regulation can never be effective until it establishes the confidence of both employers and workers in the fairness and

impartiality of the private labor agents. To accomplish this the state would have to employ honest, energetic and capable men to do the regulating who would understand the employment business thoroughly. But if the government had the services of such a set of men there could be no doubt of its ability to manage employment offices on its own account with more success than private enterprise could, if for no other reason than the fees which the private agency would have to charge. In addition, however, it must be remembered that this is a business which lends itself easily to fraud and imposition, as every one has found who has studied the question, and if left in private hands it can never be possible to prevent the multiplication of agencies which plays against their efficiency.

As for a philanthropic enterprise, it is bound to be considered a charity unless it charges fees. However reasonable it may make its charges, to a certain extent it is bound to defeat its own purpose by keeping the man who hasn't the fee from a job. But its greatest handicap will be that it must be supported by men with money to invest, that is, employers of labor. Workmen will always look upon it either with suspicion or with the disdain they commonly attach to paternal enterprises. As a matter of fact many of the municipal employment offices in Germany did start as philanthropic enterprises and it was found more effective to turn them over to the cities and give capital and labor representation on a parity in their management. Much the better solution, it seems to me, would be for the state frankly to assume the responsibility of providing wage-earners and employers with information as to the location and condition of labor demand and supply. The function would be no different from that assumed in the maintenance of schools and libraries.

SHALL THE SERVICE BE FREE?

But will not the furnishing of this service free of charge by the state tend to undermine the self-reliance of the workers? Is it not in fact a charity although every one may take advantage of it? This fear has been expressed whenever the state proposed to enter upon any new enterprise. In the present case it is due to a misconception of the nature of the employment business, and experience has shown the fear to be groundless. An employment office does not give work to anyone. It merely tells the applicant where there

is a job. To secure a position the applicant must have the same qualities of fitness and efficiency as if he had got in touch with the employer after a day of pounding the pavements. It is information and not jobs that employment offices distribute. The employer is directed to the supply of labor, the worker is informed as to the location and condition of the demand.

It is because the welfare of society depends upon the widest possible distribution of reliable information of this kind that the state is justified in giving the service free. What information could be more important to a people than to know exactly where opportunities are open for men to apply their energies to make a living? It is the same sort of information that the government distributes to business men in its consular reports, geological surveys, and its publications on the natural resources of the states. It distributes the information free for the same reason that it maintains free schools and distributes crop reports and weather reports free. The importance and the essentially public nature of the information gathered by employment offices make the performance of this service a public function.

ARE THE ADMINISTRATIVE DIFFICULTIES INSURMOUNTABLE?

It remains now to show that an American state can actually organize the labor market and administer the organization efficiently and effectively. To begin with, I have no defense to make of the free employment offices in the United States. All the criticism that has been directed against them is well deserved, but it is not final, because some states have been successful with them. Moreover, it is far more true of private employment agencies than of public, that most of them have been frauds as well as failures.

The first requisite of successful employment offices is that the people who manage them shall know their business. This would seem axiomatic, but it has been a weakness of all governmental activity that officials are placed in positions for political reasons rather than for their efficiency. It is not necessary, however, that the office force should be made up of economists and sociologists. This business can be learned by ordinary people as well as any other business. All that is necessary is that the public shall insist that officers be appointed for merit alone and that their tenure of office be permanent as long as they attend to business properly.

Also there must be some system of promotion, so that the ambitious clerk in a public employment office may be advanced both in position and in salary. This is nothing more than a well organized system of civil service.

That an American state can establish such a system of civil service and can conduct employment offices on the soundest principles of management is proved by the experience of Wisconsin. In 1911 the industrial commission reorganized the four free employment offices in the state and proceeded to work out a system of civil service. The force of employees was selected by an examining board on which the industrial commission, the state civil service commission and organized employers and workers were represented.

At the head of the public employment offices a person should be placed who understands not only the technique of the business but also the principles on which the offices are based, and their relation to the whole industrial life of the state, and to the pressing problem of unemployment. He should be depended upon to train the staff, supervise its work and to develop an administrative machine that will be permanent. The subordinate officials must know that they are selected because they seem most promising, and that their tenure of office depends upon the character of their work. Their salaries should be increased as they improve in efficiency, and when vacancies occur the most fit should be promoted.

As part of an effective administrative machine, a system of representation of the interests involved should be worked out in order to insure confidence and impartiality. A managing committee of employers and workmen should be organized, with each side equally represented, the state and local governments also having members. This committee decides all matters of policy, especially the attitude of the office during industrial disputes. It sees to it that neither one side nor the other is favored at such times.

It should be established as a principle of the management that the offices are not charities but pure business propositions to facilitate the meeting of buyers and sellers of labor. Fitness for positions should be the prime test in all dealings. If applicants are unemployed because of old age, inefficiency or disability of any kind, it will be no help either to them or to the community to refer them to positions which they cannot hold. On the other hand, it is liable to kill the office.

Finally it must be strictly maintained that information, and not jobs, is distributed by the public employment offices. No one is assured of a position by applying for work. No employer is assured of help. The offices merely bring to the notice of working people the opportunities for employment for which they are fitted, and connect employers with the available supply of labor of the kind they need. Employers and workers are left to make their own bargains. No responsibility is assumed by the management beyond the accuracy and the reliability of the representations that are made by the office force to applicants for employment or help.

The result of this system in Wisconsin has been unusually successful. The Milwaukee office is the only one located in a city large enough to permit of great expansion. During the first year its business was increased almost fourfold over preceding years when it was conducted as the majority of employment offices in the United States have been managed. Applications for employment increased from 6,300 to 23,000; help wanted from 6,200 to 29,000; and persons referred to positions from 6,000 to 24,000. Of the 24,000 referred, it was positively ascertained that 11,400 had actually been hired. During the second year the business increased over the first by about 40 per cent. The cost per verified position secured the first year was 60 cents. The second year it was less than 50 cents. We shall not be satisfied until this has been much further reduced. Our other three free employment offices are located in cities with populations of less than 45,000. While they have not shown such remarkable results, they have substantially increased their business.

MANAGEMENT OF EMPLOYMENT OFFICES

Coming a little farther into the details of management we found an accurate system of record keeping essential. The temptation is ever present to minimize the importance of records and to say that the securing of employment is the chief function. But it is not possible to run an employment office properly without a careful system of records any more than any other business can be conducted without a set of books. A proper selection of applicants for positions available is possible only by a careful system of registration. Moreover, the applicant must be followed to the place of employment and an accurate record kept of the positions to which

he is sent. On the employer's side a list of the applicants referred to him must be kept.

Often men do not report for work; sometimes they hire out and fail to appear the next day, or they work a few hours and quit without reason. Employers, too, are not careful to represent conditions as they are. They may promise more wages than they pay, or if board and lodging are a part of the remuneration they may not provide proper food or accommodations. Often they promise steady work when they need but temporary help, and some employers fail to pay wages promptly. These facts with regard to both employers and employees must be carefully noted in order that each applicant may be sized up correctly, and the character of the positions accurately represented to those seeking employment. It is easy to overload the office with bookkeeping, but our managers studied the work of the offices thoroughly and were not afraid to make changes from time to time, as new methods suggested themselves. A simple card system has been worked out which is easily understood and requires little time to maintain.

Care is taken to give applicants as full information as possible about the positions to which they are referred. Discrimination is made only on reliability and fitness, and such discrimination is always openly made and the reasons frankly given to the persons discriminated against. Here the records of the office are of the greatest value in offering proof of unreliability or unfitness, and, in the case of employers, of misrepresentation or unfairness in treatment of former applicants.

As employers have found an office careful in selecting applicants they have placed more and more value on its introduction card. Sometimes they refuse to hire anyone without such a card and this is a recognition that the staff is developing specialists. Workmen soon learned the value of the introduction card, and by the consistent refusal of such a card to the unfit and unreliable they were soon separated from the able and willing workers.

There is, however, no rigid rule of unfitness, and the office force does not pass judgment on applicants from the one-sided standpoint of the employer. A man may be unfit for a steady position, but he may be the best kind of a person for a short job of a day or a week. An applicant may refuse employment if wages or other conditions do not suit him as many times as he pleases, provided

he does not say he will accept the position and then fail to keep his promise, thus keeping another man from the work. Just as the employer may hire whom he pleases or for as short a period as he pleases, so the worker may accept what position he pleases and for as short a period as he pleases, provided in both cases that they make their intentions known to the office force and thus do injury to no one.

Of course, the prime test of the successful management of an employment office comes in times of industrial disputes. Experience has shown that to take sides with either party to the dispute is fatal. Following the most widely accepted German practice, the Wisconsin employment offices have adopted the policy of listing demands for help from employers whose workmen are on strike. Then if the applicant wishes to be referred to the employer he knows the conditions and goes on his own responsibility. We have passed through several strikes with this policy, and it has been satisfactory to both employers and union members.

EMPLOYMENT OFFICES AND UNEMPLOYMENT

We have considered thus far the functions of the public employment office as an organization of the labor market of a state and the practical administrative problems of such an organization. Public employment offices have, however, an additional important function as an agency for dealing with the problem of unemployment. In any intelligent attempt to deal with the unemployed an efficient system of employment offices must be the first step.

We have already seen how lack of organization in the buying and selling of labor causes maladjustment between demand for labor and supply. If we look more deeply into the problem of unemployment we shall find that it is entirely a problem of maladjustment. In the United States at least, there is no permanent surplus of labor in excess of the demand. There are places and industries where at times the supply exceeds the demand, and at other times in the same places and industries the demand exceeds the available supply. If we consider the maximum demand for labor of all employers there is no evidence at all to show a surplus of labor. The trouble is that the demand is not a steady one, but fluctuates from season to season, from year to year, and with the vicissitudes of competing employers.

The problem is akin to the electrical engineer's difficulty of securing a constant load curve. The maximum demand for electric light comes during the long nights of the winter months. The capacity of the power house must be able to meet this demand, but for a large part of the year from one-fourth to one-half of the capacity will not be called upon. Just so with labor. The labor force is not in excess of the capacity demand. The demand, however, is a fluctuating one, and at times from one-fourth to one-half of it is not wanted.

Demand for labor is, as in the case of electricity, really the combined demands of thousands of individual buyers, each with a different and a fluctuating demand. While the total supply is not in excess of the total maximum demand, there are constant maladjustments. These maladjustments are of three kinds: (1) In respect to place. Wage earners may be scarce in one place and over-supplied in another. (2) As between industries or occupations. Some may be overcrowded while others are undersupplied. (3) In respect to time. The winter months usually show an excess of supply over demand, and some years there may be a scarcity of labor while others show an excess.

Public employment offices, scientifically managed, may be used to reduce these maladjustments, and, where they cannot entirely abolish them, they can give the facts which will enable us to devise means of mitigating their effects and compensating those who must bear the burdens. The offices must be conceived as power houses for labor. They must be organized in each state and country as one unified system, with one central power house and branches as sub-stations. The current of labor must be directed away from the districts and industries which show a slackening demand to where the demand is quickening, just as electric power houses shift the current in the evening and on holidays from the business districts to the residence sections.

This may be accomplished by the exchange of lists of vacancies and by the frequent circulation of labor market bulletins. Not the least of the evils of maladjustment in the labor market is caused by the circulation of false reports by employers and private labor agents as to the demand for labor. With an accurate system of statistics and daily reports from each public office there is no reason why the conditions and the transactions of our labor markets

cannot be as reliably reported on the market pages of our newspapers as are the transactions of the stock markets, wheat pits, or produce exchanges. This will go far toward eliminating maladjustment in regard to place.

EMPLOYMENT OFFICES AND THE LABOR RESERVE

Our analogy to an electrical plant suggests a more fundamental remedy for unemployment, namely, the reduction of the reserve of labor necessary to meet the fluctuating demands of industry. A reserve of labor must ever be present to allow for the extension of industrial enterprises and for new undertakings, to meet the demand of the busy months in seasonal industries, and to supply the casual workers or temporary help who are required by every industrial undertaking. Electrical engineers have discovered that it is not necessary to maintain a plant capable of supplying current to all consumers in all their connections at the same time. Such a demand is never likely to occur, and all that is really necessary is a safe reserve to meet the actual greatest demands as shown by experience. The principle is the same as that of a bank reserve.

Just so in the labor market. Without a centralized employment agency each plant tends to keep around its gates the reserve that it will need during its busiest period and to meet sudden demands for labor. The total reserve of all the employers, therefore, tends to become great enough to meet the demand of all the employers at the same time. As a matter of fact this maximum demand is not exerted by all employers at the same time, and if a centralized public employment office were established the reserve could be greatly reduced; for the same workers could be used to supply the temporary demand of different employers. Each individual employer would have his necessary reserve available, but the total reserve labor force would need to be only large enough to meet actual demands rather than possible demands of all employers at the same time.

We are not here concerned with what will become of those who are squeezed out of the reserve. That requires separate study as a problem of unemployment. When the reserve is larger than is actually needed, earnings are insufficient for all. We want to eliminate the excess so that the best may be conserved and utilized.

EMPLOYMENT OFFICES AND CASUAL LABOR

Probably the most perplexing complication of the unemployment problem is the system of casual labor. The underemployment suffered by the large number of short-job workers gives us our greatest difficulty. Few people realize the amount of work in every industrial community that consists of short jobs. In Wisconsin fully one-fourth of the total demand for labor registered at the employment offices is for work lasting less than a month. These jobs are ordinarily scattered among a lot of laborers far in excess of the number actually needed. Each laborer manages to get a small part of this work and none has an adequate income. We have undertaken to concentrate as much of the casual work as possible on the better workers. Our system of records enables us to pick out the most efficient and to give them a preference in distributing this work. The aim is to keep a smaller number practically steadily employed by sending them from one short job to another, and to squeeze out the less efficient. Because casual work requires little reliability, skill or intelligence, it offers a field for the handicapped, the aged, the inefficient, the partially disabled, and the drunks. These get a wholly inadequate income for themselves, and they reduce the earnings of the others. By concentrating the casual work on the better workers, they might be made self-supporting, and the problem of dealing with the aged, the disabled and the unreliable will be simplified.

VOCATIONAL GUIDANCE

Maladjustment between industries and occupations may also be partially remedied by a well-organized system of public employment offices. In the United States the ignorance which causes some trades to be overcrowded while others are under-supplied, comes from two sources. First, children enter industry wholly unadvised and take the first work that offers itself after leaving school, regardless of their fitness for it, or of the opportunities for an adult to make a living at it. Secondly, our immigrants act equally blindly. They are uninformed regarding possibilities of securing employment at work similar to what they did in their native lands, and they enter the overcrowded fields already occupied by their countrymen.

As institutions for furnishing information, public employment offices have as one of their greatest functions to stand at the entrance

to the industrial world and point the way to children and immigrants. For the former, cooperation with the schools is necessary. Before quitting school, children and their parents should be furnished with bulletins of information describing the requirements of various callings and the opportunities in them. These can be prepared by the officials of the employment offices, for they are constantly in touch with employers and know the demands of industry. The teachers can inform the parents of the aptitudes of the children, and with this information a careful and intelligent choice can be made.

Similar measures can be devised for immigrants. The public employment offices should employ clerks who speak the languages of the newcomers. These clerks should prepare, in the native tongues of the immigrants, bulletins describing the industrial opportunities in the state, and should advise and direct the newcomers into the most promising field. To this end the clerks must keep constantly in touch with the evening schools for foreigners and with the residence sections and boarding houses for immigrants.

With intelligent and energetic efforts by the officials of the public employment offices thus to direct the stream of new labor that comes from the schools and from the farm lands, much of the maladjustment between industries arising from ignorance might be obviated.

WORK TESTS

Little can be done by employment offices directly to remedy time maladjustment. But they are able to furnish the information on which any adequate remedy, such as unemployment insurance, must be based, and for the unorganized workers they will have to supply the administrative machinery for testing the validity of any wage-earner's claim that he is unable to secure employment. As already intimated in our discussion of the reserve of labor, unemployment is as much a permanent risk of industry as are accidents or industrial disease. The extent of the risk can be measured by the transactions of the labor exchanges. When measures for compensating workers for this risk are devised they will have to be coupled with an adequate work test. No wood pile or rock pile can be such a test. The worker must be offered bona fide employment such as is fitted to his abilities and to his station in the industrial ranks. Only a well organized system of employment offices can offer such em-

ployment, and it is only through such an organization of the labor market that we can ever tell positively that there is no opportunity for the idle wage-earner to secure employment.

In conclusion, it must be pointed out that these most important functions of employment offices, namely, to reduce unnecessary idleness and to serve as part of the administrative machinery of dealing with the problem of unemployment will never be undertaken by private labor agents because there is no incentive for them to do it. It involves expense for which there is no return except to the state as a whole in securing the fullest application of its labor force, and in placing the burden of unemployment on industry, where it belongs.

GENERAL DISCUSSION

FRANCES A. KELLOR, *North American Civic League for Immigrants*: There were two phases of the discussion yesterday which impressed me very much. The first was that the unemployment problem is much beyond anything that the city or state can relieve, and that at the present time we have no nation-wide system of dealing with the nation-wide problem.

The second fact brought out was that we have practically no information on unemployment. Representatives from one community will say that the unemployment is not unusual and those from other communities will say that a large number of industries are closed and many men are out of work.

In the matter of nation-wide distribution, the federal Department of Labor has under consideration at the present time three bills for the establishment of a federal Bureau of Distribution. The first bill provides that there shall be a Bureau of Distribution for the purpose of distributing labor throughout the country, and that the bureau shall have power to establish employment agencies, especially at certain reserve points which are primarily concerned not with the city or with the state, but with the shipment of large numbers of men from one part of the country to another. The bureau is to have wide powers of investigation and, to a certain extent, a supervision of transportation, as any plan of distribution of labor must take into consideration the transportation problem. One of the greatest difficulties has been providing transportation for men who were really willing to go from one point to another.

It is also necessary that a bureau of this kind should have the investigation of interstate distribution. In the shipping of a large number of men from one point to another many difficult questions will constantly arise. In my judgment any bureau of distribution that the federal government might see fit to establish will not be successful unless along with it we have the regulation of employment agencies that do an interstate business. The history of state legislation on the question of unemployment shows that unless the agencies can be standardized a bureau will not be successful, because it is unable to compete in any intelligent way with the private agencies.

Therefore the second bill provides for the regulation of employment agencies that send employees from one state to another, and also those which furnish laborers to persons or corporations doing an interstate business. That is very essential.

We believe further, that any nation-wide distribution of labor, and particularly of the labor which will be the first and immediate problem that must be taken up involves the question of treatment of immigrants. As you know, large numbers of immigrants are sent out as colonists to different parts of the country, and therefore the Secretary of the Interior, in conjunction with the Department of Labor, is working on a plan for investigating the frauds in connection with land. At present large groups of immigrants who have no way of knowing what conditions prevail are sent to different points by representatives of private land companies. Therefore any bureau of distribution should consider the land question in its relation to the distributing from the congested centers of people who have a small amount of money.

The second matter, the lack of information, has led some of us to feel that there ought to be a thorough study of the question of unemployment in this country; that it ought not to be an investigation extending over only one or two months, but that it should be done in a thorough way, a sound investigation covering from three to five years. The whole question is so complicated, and there is so little reliable information, that it seems worth while to take up only an investigation which will cover the whole field in a detailed and comprehensive way.

Now, that investigation, in my judgment, ought to lead to several different things: First, the classification of the employables and the unemployables. At present we are making the unemployables a charge upon industry when they ought to be a charge upon the city or upon the relief organizations, and we are making the men who could be sent into industries if they were properly classified a charge upon relief societies when we ought not to.

The second thing would be to gather reliable statistics. We have at the present time no reliable statistics. I received word from the librarian of Congress the other day that as far as American conditions are concerned there are practically no data since 1908.

Such an investigation ought also to lead to a reorganization of the civil service work. There is a great deal of labor in the city

departments. They carry large reserves, they have a great deal of departmental unemployment, and such an investigation ought to look toward the establishment of some kind of a bureau of employment for city employees, so that the work could be regularized. It ought to look also toward vocational guidance. At the present time in but one or two cities which I know of is any effort being made to direct the children leaving schools into the proper industries. Very often the schools have no industrial feature at all.

I do not know how many of you know about the experiment in Cleveland. The new city charter there provides for an unemployment division which has three main functions. The first function is maintaining a city immigration bureau. Cleveland provides officers to go to the stations to direct the newly arrived immigrants and help them to find out what they want to know. A similar system is in operation in New York city, in connection with Ellis Island, but that is conducted by private workers.

The second function of the division is to deal with unemployment. They have taken up the question of furnishing employment, and they are now creating for the civil service commission a bureau of unskilled labor.

The third function is vocational guidance. They are making a study of the industries into which the children go, and in cooperation with the educational authorities they hope to establish some kind of a system by which children may be wisely guided. They have not a large appropriation, but they have a fine group of union men on this work.

DAVID VAN ALSTYNE, former Vice-President, Allis-Chalmers Company, New York City: During the recent period of great commercial activity many complaints were heard of the difficulty in getting skilled men.

The chief cause of the scarcity of skilled labor, however, is the extreme fluctuations in business, creating at one time an abnormal demand and at another throwing both skilled and unskilled labor out of work.

There are more skilled men and there is skill of a higher order than ever before; but by the nature of things their number is more or less adjusted to the average demand. There is always available a nucleus of these good men who have comparatively steady work,

and during the times of extreme activity the only men available are those who spend a considerable portion of their time in idleness. In times of great activity there is no good opportunity to train this generally unemployed increment and in dull times idleness encourages laziness, indifference and a loss of the little skill men acquire while at work. We are inconsistent in throwing as many men as possible out of work as soon as business begins to decline and then complaining that they are not capable of the highest efficiency when they are employed.

In my opinion this is the greatest evil for which our present social system is responsible, and it is also the most difficult to regulate. Apprenticeship, trade schools and like efforts to train skilled workmen are all good to a certain degree, but their influence is insignificant as compared with the influence of long periods of enforced idleness to which the laboring class is subjected.

It is important to develop skilled workmen, but it is of much greater importance to develop loyal American citizens who are interested in promoting the welfare of the state and consequently that of the employer.

It is of such employees that the employer makes the greatest profits in the end.

There is not much encouragement for a man who spends a considerable portion of his time in idleness to become either the right kind of citizen or the right kind of employee.

This ever-present fear of being thrown out of work makes men hold back their output in order to make the work last as long as possible. Aside from the inhumanity of periodically depriving a considerable percentage of our citizens of the means of earning a living, it would seem good business policy in the long run for employers to find some way to keep a large percentage of their employees on the pay roll at at least a living wage during periods of dull business, whether there is work for them or not; and it is probable that a great deal more could be done in this direction than is done.

It is to be hoped that some day it may be found practicable for the law to require employers to take care of a certain portion of their idle employees during periods of depression, and for the government to give employment to the rest on public improvements.

LEE K. FRANKEL, *Metropolitan Life Insurance Company, New York City*: Some of the municipal schemes of unemployment insurance that have been tried abroad have been distinct failures, and comparatively few have shown any very brilliant success.

I want to speak particularly of the one form of unemployment insurance that to my mind has shown some rather interesting results. Just how valuable they are still remains to be determined. I have reference to the scheme of 1907 in Denmark. This is the first plan I recall under which there is actual subvention from the treasury of the government. The man now in charge of the scheme, Dr. Sorensen, inspector of unemployment, has been connected with it from the beginning, in 1907, and was unanimously selected by the labor organizations. Dr. Sorensen did in Denmark what was found later to be impossible in Norway. The very same scheme, tried in Norway, failed there.

I would like to read a few extracts from Dr. Sorensen's latest report, to show what might be accomplished in the United States in a similar way. He says:

From March 31, 1912 to April 1, 1913 the number of authorized unemployment funds has grown from fifty-three, having 111,187 members, to fifty-five, having 120,289 members. Of these, 55,078 (45.8 per cent) live in the capital, 45,538 (37.8 per cent) in provincial towns, and 18,529 (15.4 per cent) in country districts. The members have paid in 1,317,496 kroners in contributions. The state, according to the act, pays a subsidy computed on the basis of half the sum of the contributions and the voluntary subsidies by communities. The communities, during the fiscal year 1911-12, paid in 374,114 kroners and the government's subsidy was 822,536 kroners, the total income of all the funds being thus 2,514,16 kroners.

The various expenditures were as follows, in kroners:

Benefit paid per day of unemployment.....	1,551,341
" " to unemployed for removal to places where work might be found.....	40,112
Benefit for Christmas	33,210
" " removal within the same city....	21,171
" " in merchandise	2,541
Expenses of administration	240,409
	<hr/>
Total.....	1,888,785

To the municipal employment bureaus the sum of 48,343 kroners has been paid.

During the five years in which the funds have been in operation, the members themselves have paid 58.7 per cent of the total income, the state

28.4 per cent, and the communities 12.9 per cent. The cost of administration has averaged 9 per cent of the income, or 2.08 kroners per member.

While the benefit per day varies from one to two kroners, the amount of contribution fluctuates from 4.80 kroners to 26.00 kroners. This, however, is the natural consequence of the widely differing risk of unemployment within the various trades, and the difference in contributions paid is therefore the best possible proof of the necessity of organizing insurance against unemployment on a trade basis and not—as has been done in several foreign countries—dividing the country into districts embracing all the various trades.

Twenty-four of the fifty-five funds have increased the number of days in which aid is granted. In view of the fact that hitherto not much more than half the days of unemployment have been indemnified, it would seem desirable to follow the plan of increasing the number of days of payment, rather than to increase the indemnity per day.

Another evolution which is taking place automatically, as it were, is expressed in the movement away from a uniform rate of benefit, and toward a rate determined by the duration of insurance. It is evident that by this measure the members are stimulated to keep up their insurance without interruption.

According to the report of the cooperative trades unions for 1912, 139,012 workmen belong to these organizations. Of these no less than 120,291 are members of the insurance funds, and if about 20,000 are still outside the workings of the insurance, this fact is explained almost entirely by the special character of these workers. (They include railroad, municipal and traction employees, and sailors.)

The Danish people have on the whole been so satisfied with this plan that they are continuing it. It is tending to reduce unemployment, and the tendency at the present moment is not to increase the per diem benefit, but rather to increase the number of those to whom benefit is paid.

It seems to me that here may be the opportunity for an attempt in the United States. If unemployment insurance is really considered favorably, the labor unions are the organizations through which it should be conducted, and the Danish scheme, of all that I have had any opportunity of studying, does seem to have given, so far at least, the best results.

ROYAL MEEKER, United States Commissioner of Labor Statistics:
I want to pledge my loyal support to any movement that will make for the coordination of the work of the various federal, state and municipal agencies in respect to unemployment. Since I have had charge of the Bureau of Labor Statistics I have planned, among other

things, a very complete investigation into unemployment. In that investigation it is my purpose to cooperate as fully with the state agencies and the other governmental agencies as they will allow me, in getting at just the figures that are demanded by the speakers who have addressed you—the figures on the amount of unemployment in the country. One of the speakers said that such an investigation should not be completed in five or six weeks, but that it should run over a period of from three to five years. I do not agree with that. I think it should be made a *permanent job*, and it seems to me that the federal Bureau of Labor Statistics is the organized agency which should undertake that job. We know actually nothing about unemployment in this country. I do not know why the federal Bureau of Labor Statistics does not tackle that job first of all. It seems to me that it is vastly more important that we should know the number of jobs in existence, and of men, than that we should undertake to investigate as to labor and wages. Congress does not think so, evidently. I hope that this conference may present to our Congressmen additional light on the subject, so that they may have another "think" in that direction.

As soon as it is at all possible, the survey of employment conditions will be put into active operation. I prefer to call it by that name, because such a survey should be a survey not merely of unemployment, but also of employment, of under-employment, of over-employment, of health and accident conditions in industry.

By cooperation with the state agencies I mean just this: If a state has covered the question of employment properly, I see no reason why the federal agencies should duplicate the work. On the other hand, where states are making no effort to find out how much unemployment exists within their borders, there is a motive and a field for the federal agency to enter. The same applies to the investigation of accident and health conditions in industry.

Another investigation that should be carried on is an investigation into vocational education. There has been a tendency to put faith in panaceas. Personally I do not believe very much in panaceas of any kind. I do not believe in these universal patent remedies that are warranted to cure everything, from corns to consumption. I do not believe that there is any one panacea to be applied to solving the unemployment problem. There are a great many things we need to know a good deal more about before we will be ready to say that we

are in a position to solve unemployment. One of these things is vocational education. Just what trade can be carried on in the public schools, what trade must of necessity be carried on within the industries themselves, must be determined. Such an investigation I am ready to undertake.

I do not believe in too much investigation. In some respects we are suffering from over-investigation. We all know that there are unemployed, and we know some of the remedies to be applied to unemployment, in order to mitigate the evil influences of this condition. Let us by all means begin to apply the remedies that we know of. Let us not wait until we get the minutes from the last meeting held on the Great Judgment Day before we begin to do anything at all.

We also know that there are occupations which may be described as unfit occupations. Let us apply the knowledge that we have in our possession at once. We also know that there are unfit occupiers of certain jobs. We know the remedy. Let us apply the remedy now before investigating further, so that we may have a completer knowledge, and more adequate remedies.

MILES M. DAWSON, Consulting Actuary, New York City: As secretary of the International Congress on Social Insurance, to be held in this country in 1915, which will take up as one part of its program insurance against unemployment, I am very glad to add a few remarks to what Dr. Frankel has said.

There is in active operation now in Norway a system similar to that in operation in Denmark. There was very active opposition by the labor organizations originally to such a scheme. In Denmark a very large proportion of the men and women who work for wages are organized; in Norway a considerably smaller proportion are organized.

In my opinion it is not at all impossible for us to realize many of the things that have been done in Europe, at least as well as they are doing them there. I am quite confident that in my home state of Wisconsin they can add to the splendid system of labor exchanges they have established a system of insurance against unemployment, and that the system will in that state be quite as successful as in any other place in the world. I am confident likewise that this can be done soon, and that it can be done soon in the state of New York as well as in Wisconsin.

We have already seen within the last three years a most remarkable development of public insurance, of workmen's compensation, which five years ago was believed by everybody, including those who thought it might be the best solution of the problem, to be absolutely out of the question. It was stated to Dr. Frankel and myself in London over five years ago by Mr. John Burns, of the cabinet, that anything like compulsory insurance of any character was utterly out of the question in Great Britain. And scarcely more than a year later, bills were introduced by Lloyd George, in favor of compulsory insurance.

We are moving quickly. It is very desirable that we should have such a development. The chances are that if we do not have something done rather promptly by some state, there will be an effort to deal with it in a small way in relatively small communities. These experiments have never been very successful anywhere in the world, and they cannot be, because they do not provide for the mobility of labor, which is absolutely essential for a correct system. Moreover, they get very little opportunity for a study of the causes of unemployment. If we to-day knew thoroughly the cause of unemployment, a very large proportion of it could be alleviated, and we cannot get at this through schemes of insurance applied to a single community. A state is none too large, and after a time our nation would be none too large.

Louis I. DUBLIN, *Metropolitan Life Insurance Company, New York City:* Previous speakers have already pointed out, with reference to Great Britain and Denmark, the developments in unemployment insurance to cover the situations in those two countries. But other countries have realized for some ten years the fact that unemployment is one of the hazards of industry, and that, like sickness and accident, such a hazard can be covered by some form of insurance.

The German imperial statistical bureau, under the direction of Dr. Zacher, has kept in touch very closely with the situation in several countries, and has, on the basis of official reports, brought together a statement showing the exact condition of the several countries with regard to unemployment insurance.

It was a very great pleasure to have this opportunity to serve the Association and to make available for American readers this

very valuable report of Dr. Zacher's. He has divided the field under the following heads: First he has considered those countries where there is a legal regulation of unemployment insurance—that is, Great Britain, Norway and Denmark—Great Britain being the one country with a compulsory scheme, nation-wide. Norway and Denmark both have voluntary insurance schemes. For these countries the summary gives the nature of the insurance laws, the scope—that is, the industries covered—the form of the insurance, indicating the administrative control, the dues and the benefits, and, finally, the methods of appeal.

Second, reference is made to those countries which have voluntary unemployment insurance by workmen's societies, with legal regulation. Luxemburg, France, Holland, Belgium, Switzerland and Italy are included under that head, and data are given as to the societies which control this unemployment insurance, the extent of the membership, the dues and benefits, the number of persons unemployed, and other points. Third are given the countries with provision for voluntary unemployment funds without subsidy. That is somewhat different from the voluntary unemployment insurance. Fourth are the communal unemployment insurance funds which are subsidized for particular industrial societies. These apply to the provinces of Germany alone.

Finally, there are public voluntary unemployment insurance funds, which apply especially to Bavaria, Prussia and Wurttemberg. The table also gives the significant statistics for the last year.¹

MRS. HAVILAND H. LUND, *National Forward to the Land League, New York City:* While we are groaning about the high cost of living, and the organizations are marching in the streets and invading our churches, it seems that we have overlooked one very simple thing that would solve this problem for perhaps three classes. I am interested in the Forward to the Land League. As you are all city people I suppose you think I mean that I want everybody to go out of the towns to the farm. I do not. I think that kind of a farm proposition will never attract any one, and will never hold city people.

I believe, however, that farm life can be made attractive, and

¹For this table, see Section VII, The Present Status of Unemployment Insurance.

that the social life of the farm may be developed so that it will be attractive. I do not think we ought to send people out to the land unless we create the right kind of a community for them, and they should only be sent with an instructor from an agricultural college, to teach them what to do.

I know there are a great many people who are anxious, and also some who are not anxious, for this kind of a life. There is the man who is too old to hold his job; he would be glad of a chance to go out on the land. Then there is the man who is not well enough to remain in the city, but yet has a certain amount of strength; while he cannot stand a full working day he can put in a number of hours of good open-air work, and that would restore his health. The Salvation Army has several very successful colonies made up of people from the cities. Of course there were some who had to be weeded out, but the vast majority of those going out with money loaned to them have made good. San Diego is furnishing the ground, the construction and the housing for its "hoboes", and a very heavy percentage of those "hoboes" have made good. Why? Because they were not working for the city, they had the opportunity of buying their own piece of land, and they made good through the loan of funds.

We are busy in our organization perfecting a system of farming and rural credits, so that there will be money available for people who have to start on money loaned to them. Many business people have said that the plan of taking people upon the land in groups, so that they are not lonely, and of loaning them money for their stock, is an advisable thing. Here we are with acres and acres of vacant land, all of us paying too much for everything that we eat, and we are wondering what to do with these people. Why cannot municipal funds be used in fitting up tracts of land within easy access of markets, and putting these people out with instructors and giving them their start? I am very sure that an organized effort to bring about a development of that sort would meet with an immense response from many of the unemployed.

SIMON LUBIN, California: I happen to be a member of the California Commission of Immigration and Housing, which is devoting some attention to the matter of the protection of the immigrants from exploitation, and a great deal of attention to the

education of the immigrant through public and private sources. We feel that fundamentally the immigration question is not very different from the unemployment question. There is this difference: in general we have the right to divide the unemployed into two groups, the employable and the unemployable; but assuming that the federal government has thus divided the immigrants at the port of entry, there is then only one group among them—the employable.

We see nothing but problems so far in our work. We wonder whether your state or your federal employment bureaus, if they received word that 3,000 men were demanded on one ranch in the state of California, would send the men—particularly when the bureaus knew that that demand would be for only twenty-one days, picking hops.

We hope that a great deal will come of the discussion of insurance, and then we wonder to what class the 3,000 hop-pickers who, as such, work twenty-one days a year, should belong in your insurance scheme.

We hope that the United States Industrial Relations Commission which, it has been announced, is studying this problem, will get somewhere. Meanwhile, we are trying to prepare our end of the game.

JOHN MARTIN, *New York City Board of Education*: Education is related to this problem, as Dr. Meeker suggested. The schools should, if their functions are properly performed, prevent the further increase of the unemployable. Of course the schools cannot touch the imbecile, the defective-minded; but if we fulfill our function properly the child who comes to us with normal mental equipment should be sent out in such condition as to be safeguarded against becoming unemployable. We are trying in New York city to go beyond that, by giving such vocational training and guidance as will give to the scholars a great advantage in industrial work, and give them an advantage over others that may prevent them from becoming unemployable.

We are finding various grave peculiar difficulties which very few conferences ever discuss. For a year now I have been engaged with some school superintendents in trying to discover some industrial process common to a number of occupations, so that it

could be taught to children in the schools. We do not want to try to teach trades to the children who have not been graduated, but we may teach some industrial processes which, being common to a variety of occupations, and being of a simple character, can be mastered by the children and can be taught in such a way as to develop their industrial intelligence. Miss Alice P. Barrows has been trying, by making a survey of a number of occupations in New York city, and by examining minutely into the processes in a variety of occupations, to get for us a list of the specific things that can be taught with simple machinery in the class room, to children of fourteen, fifteen and sixteen years of age, so that those children would be adaptable in industry, would be able to turn regularly from one simple occupation to another and would also have their intelligence developed so that they would be better equipped to fit in with the inevitable fluctuations of occupation. So far we have not had very much success in that search. However, we are going ahead experimenting and we are going ahead also developing such experiments as have proved successful. Only this week we have decided to establish in a school which is attended exclusively by children of the seventh and eighth grades the following experiment: We will install simple machinery which will cost \$5,000. There will be six courses, one commercial course and four industrial courses—machine work, wood work, plumbing and electrical work. In addition there will be the usual academic course. Each child submitted to this experiment will be put for nine weeks in each of these courses, to determine as far as possible the aptitude of the child, whether for commercial, for specific industrial, or for the academic work. When the child's special aptitude, after nine weeks' pretty intensive trial in each one of these departments, is determined, there may be the opportunity of concentrating on that variety of work for which he may be best fitted, for the remainder of the school year.

Some educators, including the city superintendent, are quite doubtful about the desirability of such a course on the ground that no child should begin to specialize until at least eight years of school work in the ordinary academic subjects have been completed. But so anxious are we to do everything that the schools can properly do in preparation for industrial life, that we are going to run the risk of offending those who hold this position. Only this last week I

have examined two loft buildings in Brooklyn, where we shall establish by September, I hope, a trade school for girls and a trade school for boys, on the pattern which has already proven successful here in Manhattan. We have opened this year an evening school of industrial art; we have opened a trade school at Murray Hill. These things have a relation to the subject especially under discussion this morning, because it is increasingly evident that for continuous employment there must be great adaptability on the part of the worker. If you are going to dovetail employments the workers evidently must not be of the highest skill in one occupation and incapable of adopting another, but must have industrial intelligence and wide acquaintance with machinery and industrial processes, so that they may be able easily to pass from one to the other.

JOHN A. KINGSBURY, New York City Commissioner of Charities: I regret that I cannot make any definite contribution as to present and immediate remedies except, perhaps, to say that since this problem has been agitated, during these past two months, I think that almost every conceivable suggestion, from all parts of the country, looking toward a solution, immediate and ultimate, of this problem, has been sent to the mayor of New York, who has, because of his other troubles, passed them on to me. I have considered most of these suggestions with great care, and the thing that has impressed me above all is that the so-called plans for immediate solution, all the *immediate* proposals, have seemed to me to be, without exception, unsound.

I do not feel that I can speak with any authority on this subject, but I have read Mr. Beveridge's book and also Mr. Leiser-son's report; and most of the things which I was ready to suggest, such as temporary work and a few similar things, I found by examining this literature had all been tried in other places and failed in most instances. The thing that has been borne in upon me is this: that this is one of the biggest problems that we have to face in this country, and that thus far America has failed lamentably—we have almost disgraced ourselves in our failure to tackle it before this time.

I want to echo the hope that has been previously expressed, that this conference will get somewhere. I should like to tell you a

story I heard in Chicago. I understand there was a conference held there by some very wealthy persons to consider this general problem. There was a rich banquet, and after the toasts were over one gentleman rose to make a few remarks. He said: "When I came into this beautiful banquet hall, and looked around at these gorgeous draperies, and these fine furnishings, and saw this expensive linen and silverware,—I looked about and I thought of the poor unfortunate persons in Chicago,—and I thought of the poor unemployed persons in Chicago—and—and I am so overcome with feeling for the poor unfortunate persons in Chicago who are unemployed,—I am so overcome that—that I sit down." And he sat down. Another diner arose and said, "I also couldn't help thinking all the time of the poor unemployed persons in Chicago. But I do not sit down! I move that we do something for the poor unemployed persons in Chicago! I move that we give—three cheers for the poor unemployed persons in Chicago!"

Now, I hope that this conference will get somewhere, as I said before, and that it won't simply be a case of giving three cheers for the unemployed.

If any present would like to visit the municipal lodging house I would be glad to arrange to have them see how we are trying to take care this winter of from 1,500 to 2,000 men and women, how we have met the situation, and doubled the capacity of the municipal lodging house in a few days after Mayor Mitchell came into office. I want to say also that there is no need of opening the churches or the armories at all. It is absolutely the most absurd thing that can be done at this time, because it will attract people here who are unemployable. We are handling the situation as far as we can.

F. C. LEUBUSCHER, President, Society to Lower Rents and Reduce Taxes on Homes: The admirable purpose of your conference, to reduce unemployment, commends itself to all right-minded citizens.

The fact that in 1900 over 6,000,000 working people, nearly one-fourth of all those engaged in gainful occupations, were at some time of the year out of work and that, of these, some 3,000,000 lost from one to three months each, is alarming. While the figures for the last census are not available, there is no reason to believe that there is any material improvement in the labor situation.

Naturally your conference is seeking the causes of unemployment. We submit for your consideration the following facts:

This country has given away or bartered most of its natural resources.

We have given to a few corporations and individuals the right to levy tribute upon the users of these natural resources, the capitalization of which they are constantly increasing.

We are increasingly shutting people out from access to the soil.

While perfecting the machinery of bringing jobless people to jobs is important, the number of jobs is too limited to permit this feat to settle the problem. More jobs are needed.

President Charles R. Van Hise of the University of Wisconsin in his *Conservation of Natural Resources* says:

The better part of the public domain has now passed to private parties, and during the closing years of the nineteenth century the land hunger of hundreds of thousands of the citizens of the United States was for the first time unsatisfied.

President Van Hise states that the good lands were gone a score of years ago.

Out of the original public domain of the United States, amounting to 1,441,436,160 acres, 571,631,482 acres had been disposed of to individuals or to corporations by June 30, 1909, and 153,505,500 acres had been granted to states for various purposes. Thus a total of 725,136,982 acres, including most of the best land of the country, had been disposed of to individuals or to corporations, or for specified purposes. There are still 324,478,060 acres included in reservations, 363,338,943 acres are unreserved and unappropriated, and 28,483,075 acres are unaccounted for.

Of the 571,631,482 acres of desirable land, disposed of to individuals and to corporations, 123,718,338 acres were granted immediately to corporations; while out of the grants under the homestead and similar laws, only 105,555,790 acres were taken by small holders, while 163,718,338 acres were taken by corporations and other large holders.

Not fewer than 100,000,000 acres of coal land were disposed of as agricultural lands. Much of this land was disposed of by the government for a tenth, or less, of its true value.

President Van Hise is also authority for the statement that the United States Steel Corporation owns over 50 per cent of the available iron ores of the country.

Former Commissioner of Corporations Smith states that 195 holders have over a third of the privately owned timber of the country. The value of the timber, exclusive of the land, is at least \$6,000,000,000.

The value of farm lands in the United States increased by 118.1 per cent from 1909 to 1910.

The Senate Committee on Agricultural Credit, discussing the burdens on the small tenant farmer, says:

Under these conditions—rising land values and cumulative taxation—the land is slowly but surely passing away from resident ownership to landlord ownership. Farm tenancy is undeniably on the increase.

In 1911, the total revenue receipts in 193 cities of the country having a population of 30,000 or more, was \$805,720,133, while the total receipts from taxes were \$552,798,570. The chief other sources of revenue were earnings of public service enterprises, \$85,416,575; subventions and grants, \$32,944,465; earnings of general departments, \$17,270,578.

Of the nearly \$553,000,000 of taxes, \$485,000,000 was paid by general property and over \$50,970,000 in direct business taxes.

The funded and special assessment debts of these cities at the close of the year was \$2,505,000,000, the net debt \$1,880,306,926; while the interest charges were over \$101,000,000—more than an eighth of the total expenditure.

The land of these cities, with a population of 28,559,142, was worth at least \$18,000,000,000 full value. The ground rent, calculated at 6 per cent upon this value, amounted to \$1,080,000,000, while an annual increase in value of the land of only 3 per cent would give the owners a bonus of \$540,000,000; i.e., the ownership of land in these 193 cities was worth to the lucky people about \$1,620,000,000, or more than twice the total revenue receipts, and nearly three times the receipts from taxes. The total taxes paid by land, plus assessments upon land, did not exceed, at a most conservative estimate, \$325,000,000, or less than one-third of the ground rent and less than one-fifth of the worth of land ownership.

During this year these cities increased their net debts by over \$148,000,000. On nearly two-thirds of the total debt 4 per cent interest or higher was being paid.

It is evidently of supreme and immediate importance therefore that we should recognize that the solution of the problem of unem-

ployment involves not merely national and subsidiary employment agencies, and the organization of seasonal industries to complement each other.

The solution of the problem of unemployment involves the removal of present restricting and paralyzing taxes upon industry and the levying of heavy taxes upon the land, including the mines, so that the wealth of the country may not be monopolized for the benefit of the few to the injury of the vast majority.

At present natural resources—land and mineral wealth—are taxed at a very low rate and are held out of use and unproductive, while energy, initiative and industry are restricted by the heavy taxes levied thereon.

As President Van Hise stated in 1912:

A conservative administration now indorses the principle that private interests should not be free to levy such tribute upon the people as they may determine in reference to so fundamental a necessity as coal.

Conservative but constructive statesmanship must not merely indorse but act upon this principle with reference to all natural resources.

In conclusion, we submit that the most important factor in the solution of unemployment is the following finding of the London Conference on Unemployment in 1908:

That drastic legislation for taxing land values and for enabling public authorities to compulsorily acquire land on the most favorable terms, is urgently needed to bring all land into useful and productive occupation.

MANUEL F. BEHAR, *National Liberal Immigration League, New York City:* In view of the sentiment frequently expressed here that relief from unemployment is to a large extent to be sought through further restriction of immigration, I would like to read the following letter on the subject which I received only a day or two ago from President Emeritus Charles W. Eliot, of Harvard, and of which the closing paragraph is particularly significant:

Cambridge, Mass., Feb. 24, 1914.

Dear Sir:

At your request, I declare that I see no reason to change any of the statements in my letter to the National Liberal Immigration League of Jan. 10, 1911, in regard to either fact or theory. The same scarcity of labor which I described three years ago still persists in the United States, and will persist for many years to come, because of the sparseness of our population and the

enormous unused resources of the country which require for their development both new capital and additional labor.

The inexpedient congestion of population in some American cities is not yet sensibly relieved; but there are many signs of improvement in this respect, such, for instance, as in the placing of new industrial plants in the country or in small cities and making these plants moderate in size. The telephone and telegraph, the automobile, the parcel post, and the local electric railways for both passengers and freight will surely relieve this congestion in time. Due consideration for the public health and the national efficiency requires the better distribution of factories and their operatives.

The unemployment in the industries which have an active season followed by a dull one is also being relieved by the practice of the laborers themselves and of the railway and steamship companies. Laborers by the thousands nowadays are carried where they are needed in the active season and when they are no longer wanted they go home, or even back to Italy, for the dull season. Thus, the immense majority of the laborers in seasonal trades have learned, or are learning, to take care of themselves, although the weak or improvident among them have still to be aided for brief periods at the public expense, or by private charities.

The activities of benevolent and patriotic persons should be directed to the permanent relief of the city congestions, and to the temporary relief of the unfortunate, incompetent, or improvident unemployed.

Not a single argument for further restriction of immigration have I yet seen which does not violate the plainest principles of sound American industrial development, and also propose to abandon or maim the noble policy of the United States, which has made this country the refuge of the oppressed, the hope of the multitudes who cannot yet find freedom and comfort in their native lands, and the best school in the world for the safe development of free institutions. Is this generation of Americans to be frightened out of this noble policy by any industrial, racial, political or religious bogies? Has this generation forgotten or never heard Lowell's description of "Oh, Beautiful! My Country! Ours once more" in his "Commemoration Ode," written at the close of the civil war?

She that lifts up the manhood of the poor,
She of the open soul and open door,
With room about her hearth for all mankind!

Very truly yours,

CHARLES W. ELIOT.

MEYER BLOOMFIELD, *The Vocation Bureau, Boston, Massachusetts*: There are two matters which, it is my impression, have not been considered thus far in the conference, or, if they have, they deserve perhaps a few words more. One is the nation-wide effort which England is making to prevent, as far as possible, the future under-

employed, misemployed, and particularly the unemployable, by its vast network of juvenile labor exchanges. The other matter deals with the aggravation of the unemployment situation by our present methods of hiring and discharging workers in the average establishment.

Before I take these topics up briefly, I wish to say a word in support of the caution sounded with regard to the qualifications of those who are placed in charge of public employment offices. I found that the character of the service rendered by the English labor exchanges varied as the fitness of the officials in charge varied. If New York city purposes to open a labor bureau, it is to be hoped that the best qualified man in the country will be secured for its management. If the usual type of office-holder is put in charge, then it is better not to open such a bureau. New York is fortunate in the character of the men and women now in charge of its city affairs; they could earn their salt in private employment, and in this regard they differ from the average politician: a politician is one who is unfit for employment by any one except the public.

As part of the labor exchange scheme which was started in the United Kingdom four years ago there is an extensive scheme of labor bureaus for boys and girls who seek work, and in connection with these juvenile exchanges there is always an advisory committee of social workers, educators, employers and employees. These committees are watching over that perilous transition stage between school and work when youth, at a time of life when most of our social safeguards are so shaky, finds itself in a job-jungle. A vast machinery of protection and service to those wandering children is being organized with a view to ending the wholesale manufacture of the future "unemployable". This work is helping toward a classification of the vague unemployment problem, which is a composite of problems inherent in our present industrial organization and of problems which are remediable and preventable through more thoroughgoing social supervision of the young work beginners.

Mr. Andrews points out in his report that in one establishment three employees are taken on to every one retained. The annual turn over of the working force in the average large establishment, the constant leakage out of the jobs, is not only costly to every

employer and employee, and a complication of the unemployment problem, but is a sign of deep-rooted inefficiency in the present scheme of hiring. As far as I know, just one organization in this country, the Employment Managers' Association of Boston, made up of those who engage help in about fifty of the largest plants in greater Boston, is looking into this matter. It seems to me that some day social scrutiny will be directed toward this source of human waste, this managerial inefficiency. Without the active and regulated cooperation of every one who employs others, the attack on the unemployment situation must, in the very nature of things as they are, be more or less ineffective.

RESOLUTIONS

Professor Charles R. Henderson, as chairman of the Committee on Resolutions, presented resolutions to the meeting, which after discussion and amendment were adopted as follows:

WHEREAS the reports presented to this national conference, by delegates representing 25 states and 59 cities, show a complete lack in most sections of the country of accurate statistical information in reference to the extent and nature of unemployment; and

WHEREAS notwithstanding some difference of opinion as to whether unemployment this winter has been more widespread than usual in all sections, there is general agreement that there is a large amount of unemployment and that this and irregularity of employment at all times are among the most serious problems of modern industry; and

WHEREAS there is also general agreement that the first step toward a solution of the problem is the organization of a connected network of free public employment exchanges and that other steps should be taken as soon as agreement can be reached as to what they should be; therefore be it

1. *Resolved*, That this conference urge the establishment in the federal Department of Labor of a Bureau of Distribution, with power to establish employment exchanges throughout the country to supplement the work of state and municipal bureaus, to act as a clearing house of information and promote the distribution of labor throughout the country, provided that such distribution shall not cause the deterioration of the present standards of wages, conditions and hours of employment of American workers, or impair their efforts to improve them.

2. That we also urge upon the legislatures of the various states the establishment or reconstruction of free state employment agencies conforming to the following essential principles:

First: That appointments and tenure of office be governed by the merit system and be placed beyond control of political parties;

Second: That appropriations should be sufficient to make the agencies effective in the highest possible degree;

Third: That the agencies constitute a network of central bureaus and branch offices under central control and direction;

Fourth: That these agencies be so administered as to cooperate with municipal and federal bureaus so as to constitute a truly national system;

Fifth: That every bureau or office be required to register every application as well as every position secured;

Sixth: That frequent reports, publications and other notices give prompt information as to those seeking employment;

Seventh: That these agencies may be held true to their character as belonging to the public and remain neutral in all trade disputes.

3. We recommend that municipalities direct their attention to the local problem of unemployment, closely defining its relief and industrial phases with a view to dealing with the latter in a business-like, efficient way through a central labor bureau which shall distribute employees to its various departments.

4. We recommend that private employment agencies for profit be brought under the inspection and control of the federal government, where they send labor from state to state or to persons or corporations engaged in interstate commerce in case of interstate business, and of the state authority where they are engaged in distributing labor within a state.

5. We recommend that the American Association for Labor Legislation, in affiliation with the American Section of the International Association on Unemployment, prosecute a thorough investigation of the following aspects of the problem of unemployment, and at the same time initiate and promote public action:

First: The labor market, exchanges, statistics, facilities for special classes, advertising, emergency measures, relief agencies;

Second: Regularization of industry—seasonal industries, dovetailing of industries, adjustment of large contracts to run longer periods, casual labor, civil service methods;

Third: Vocational guidance;

Fourth: Legislation—employment agencies, unemployment insurance.

VI

**PUBLIC EMPLOYMENT EXCHANGES IN THE
UNITED STATES**

OPERATION OF PUBLIC EMPLOYMENT EXCHANGES IN THE UNITED STATES¹

Provision for public employment exchanges has already been made in the United States by nineteen states and by fifteen municipalities (see map facing Introductory Note).

The nineteen states which have made such provision, with the year of the law and the number and location of the offices, are:

- Colorado, 1907, four offices—Colorado Springs, Denver (two offices), Pueblo.
- Connecticut, 1905, five offices—Bridgeport, Hartford, New Haven, Norwich, Waterbury.
- Illinois, 1899, eight offices—Chicago (three offices), Rockford, Rock Island, Springfield, East St. Louis, Peoria.
- Indiana, 1909, five offices—Evansville, Fort Wayne, Indianapolis, South Bend, Terre Haute.
- Kansas, 1901, one office—Topeka.
- Kentucky, 1906, one office—Louisville.
- Maryland, 1902, one office—Baltimore.
- Massachusetts, 1906, four offices—Boston, Fall River, Springfield, Worcester.
- Michigan, 1905, five offices—Detroit, Grand Rapids, Jackson, Kalamazoo, Saginaw.
- Minnesota, 1905, three offices—Duluth, Minneapolis, St. Paul.
- Missouri, 1899, three offices—Kansas City, St. Joseph, St. Louis.
- Nebraska, 1897, one office—Lincoln.
- New York, 1914—(Not yet in operation).
- Ohio, 1890, five offices—Cincinnati, Cleveland, Columbus, Dayton, Toledo.
- Oklahoma, 1908, three offices—Enid, Muskogee, Oklahoma City.
- Rhode Island, 1908, one office—Providence.
- South Dakota, 1913, one office—Pierre.
- West Virginia, 1901, one office—Wheeling.
- Wisconsin, 1901, four offices—La Crosse, Milwaukee, Oshkosh, Superior.

During the last two years Colorado has increased from three offices to four, Illinois from six offices to eight, Indiana from one office to five, and Massachusetts from three offices to four.

¹ Prepared by Solon De Leon.

The employment exchanges maintained by municipalities are located in Phoenix (Arizona), Los Angeles and Sacramento (California), Kansas City (Missouri), Butte, Great Falls, and Missoula (Montana), Newark (New Jersey), New York (New York), Cleveland (Ohio), Portland (Oregon), and Everett, Seattle, Spokane and Tacoma (Washington).

The information contained in the following table on the operation of these exchanges has been collected by correspondence with the various state and city officials concerned in this work, supplemented by the published reports of the exchanges.

The descriptive data in columns VII to XIV, inclusive, of the table afford a valuable insight into the differences between the several exchanges in matters of policy and in methods of operation. These data are comparable throughout. The statistical data in columns II, III, IV and VI, on the other hand, are given because they indicate, in a very general way, the activity of the respective bureaus, and because they form a basis upon which to start work for the uniform terminology, the uniform interpretation of terminology, and the uniform method of keeping records and accounts which are essential to harmonious and coordinated work. In the absence up to the present time, however, of any such uniform agreement, it cannot be too emphatically stated that the figures presented are not strictly comparable. In dealing with them it is necessary to observe the following cautions in order to guard against drawing erroneous conclusions:

(1) The term "Applications for work" (Column II) is in some offices interpreted literally, regardless of the number of persons by whom the applications are made, while in others it is interpreted to mean the number of applicants, regardless of how often each one of them has applied. In one state no record is kept of the number of applicants, but only of those who are registered as applying for positions which have been offered by employers. It would therefore be highly misleading to use figures under this head as a basis for comparison between offices.

(2) The same warning holds with regard to "Applications for help" (Column III). While this term is usually employed as synonymous with the British term "Vacancies notified", there is danger that in some cases it may be taken to mean the bare number of times applications have been received from employers, regardless of how many workmen were each time applied for. More-

over, even where the more explicit term "Persons applied for by employers" is used by an office, the best efforts have not entirely prevented employers from asking for more workmen than they wished, so as to have a choice. Hence the figures will not bear interpretation as indicating how many chances to work were really available through the exchanges.

(3) A still more serious laxity affects the figures under "Positions filled" (Column IV). In some exchanges every position is recorded as filled to which an applicant has been sent, without effort being made to learn whether or not the applicant was accepted by the employer. Generally, however, employers are required or requested to notify the office of the acceptance of applicants. This system works with varying degrees of completeness, its best development being seen in one state which presents in its reports data for persons "Referred to positions" as well as for "Positions secured". Unless these differences are borne in mind grave injustice will be done to those offices which have kept the most careful records.

(4) The figures under "Per capita cost of filling positions" (Column VI) are in all cases as given by the offices or as mathematically deduced from their reports, but must be accepted with many allowances. The methods of computing expenses vary widely. In at least one state all expenses connected with the running of the labor exchanges, including rent and publication of reports, are included in this cost. In many if not most of the remaining states, the cost of printing reports is defrayed by a separate departmental or special appropriation, while a number of differing local conditions and arrangements combine to complicate the question of rent. A high per capita cost in the table, therefore, does not necessarily imply poor management of the office, nor is a low per capita cost certain proof of either economy or efficiency.

(5) Due to the varying periods for which state labor departments issue their reports, it has not been possible in each case to secure data for 1913. All figures for other years or portions of years have been indicated by footnotes.

Perhaps the main importance of the data in columns II, III, IV, and VI is, therefore, that they demonstrate the necessity for the adoption of a uniform terminology and system of book-keeping by the employment exchanges of the country if these exchanges are to fulfil their function as reliable sources of information on the state of employment.

Within the limitations imposed by the shortcomings of the data, however, a number of interesting comparisons may be drawn.

Of the nineteen states which have legislative provisions for state public employment exchanges, only sixteen seem to have exchanges actually in operation. Municipal exchanges, as far as can be learned, are actually in operation in twelve of the fifteen cities which now authorize them. The greatest number of state exchanges in any one state is in Illinois, where there are eight, while four states have but one state exchange each. The greatest number of municipal exchanges in any one state is in Washington where there are four.

The figures as to number of applicants for work, applications for help, and positions secured will not, as has been pointed out, serve for valid comparisons. In the matter of appropriations, however, Illinois stands at the head of the list, apportioning \$50,735 to the work of its eight exchanges in 1913. The smallest state appropriation is \$1,200, for one office, in West Virginia.

While the figures as to per capita cost of filling positions must, as previously stated, be accepted with caution, it is interesting to note that the cost as given by the exchanges themselves varies from \$1.67 in Rhode Island to \$.08 in Seattle. The lowness of the Seattle figure is partly attributed to the shipment from that office of large groups of unskilled workers to hop fields and lumber camps, but knowledge of what other factors entered into the matter would no doubt prove valuable.

In only five states and one municipality do the exchanges fail to maintain separate departments for different classes of applicants. In all the other offices men and women applicants are divided. Massachusetts makes a further division of handicapped persons and of boys, and the state office in Milwaukee and the Butte municipal office have separate departments for the skilled and the unskilled.

The most common basis of selecting applicants for positions is their fitness for the work. In some cases other considerations are added to this, such as need of employment, number of dependents, priority of application, or residence in the state. In one state exchange and one municipal exchange, priority of application is the only point considered, while one municipal bureau places first the residents with families, and takes care of other applicants in alphabetical succession, returning to the A's when the Z's have been exhausted.

Vocational guidance by the exchanges is still hardly known. The overwhelming majority of exchanges make no attempt at it. Massachusetts reports making consistent efforts in this direction, and in three other states occasional advice is given by the managers of the exchanges. This failure to respond to the opportunity to do constructive work is in painful contrast to the English system of close cooperation between labor exchange and school.¹

“Industrial removal”, or inducing people from centers of congestion to seek opportunities in smaller towns or in the country districts, is another field of activity which is almost entirely ignored by American labor exchanges. In a few cases an interchange of communication with country banks or with county clerks is kept up with a view to securing information of opportunities, but as a rule there is no systematic effort in this direction.

Two state exchanges report that they make a practice of advancing, from office funds, transportation to needy applicants, and two city exchanges report doing so in rare cases. All the remaining offices do not advance transportation, although many of them act as intermediaries in turning over, under some system of control, the transportation advanced to applicants by prospective employers.

Applications from outside the state are accepted in all exchanges with the exception of three maintained by municipalities.

Great diversity exists in the period for which applications remain valid. One municipal office sets a limit of one week for all applicants, and another establishes a similar limit for laborers. Other definite periods are ten days, two weeks, three months and six months. Three state exchanges keep all applications on file indefinitely, one does so as long as there are prospects of employment, and three municipal offices report that they do so until a position has been secured.

The controversial question of what policy to pursue in time of labor disputes has been settled by the offices in two ways. The more common policy is to inform the would-be employee of the existence of the dispute when informing him of the position, leaving it to him to decide whether or not to take the work. Under this system, it is said, very few applicants take such jobs. Seven state exchanges, however, refuse absolutely to send strike breakers.

In all cases the services of the exchanges are free, with the single exception of the inactive municipal exchange at Great Falls, Montana, where a fee of fifty cents is charged.

¹ The New York law of 1914, providing for a bureau of employment within the department of labor, makes careful provision for such cooperation.

Operation of Public Employment

A.

I State and No. of Exchanges	II Operations for 1913			V Appropriation, Current Fiscal Year	VI Per Capita Cost of Filling Positions	VII Separate Departments Maintained for
	Applications for Work	Applications for Help	Positions Filled			
Colorado (4 ^a)	25,465 ^b	18,280 ^b	15,392 ^b	\$10,050	\$.652	Men Women
Connecticut (5)	14,615	11,122	8,725	\$9,000	\$ 1.00	None
Illinois (8)	73,356 ^c	81,371 ^c	69,883 ^c	\$50,735	\$.61 ^c	Men Women
Indiana (5)	18,723 ^b	20,916 ^b	14,434 ^b	\$9,000 ^b	\$.30 ^b	Men Boys Women and girls
Kansas (1)	2,321 ^d	914 ^d	833 ^d	\$2,000	No informa- tion	None
Kentucky (1)	2,193 ^e	No informa- tion	1,120 ^e	\$1,800	\$1.63	Men Women
Maryland (1; inactive)						
Massachusetts (4)	28,951 ("Registrations")	39,230 ("Persons ap- plied for by employers")	29,117 ("Positions re- ported filled")	\$29,800	\$.96	Men Women Boys Handicapped
Michigan (5)	48,974	45,829	42,423	Included in labor depart- ment appro- priation; ac- tual expenses, \$7,960	\$.1873	Men Women

Exchanges in the United States

STATE

VIII Basis of Selection in Sending Applicants to Positions	IX Is Effort Directed toward		XI Is Transporta- tion Advanced by Offices?	XII Are Applications from Outside the State Accepted?	XIII Period for which Appli- cations are Valid	XIV Policy During Labor Disputes
	Vocational Guidance?	Industrial Removal?				
Fitness	No	No	Yes	Yes	Common labor 30 days; skilled labor indefinitely	No strike breakers fur- nished
Fitness, refer- ences	No	No	No	Yes	As long as there are prospects	No strike breakers fur- nished
Fitness, pri- ority of ap- plication	No	No	No	Yes	No informa- tion	No strike breakers fur- nished
No informa- tion	No informa- tion	No informa- tion	No informa- tion	No informa- tion	No informa- tion	No informa- tion
Priority of ap- plication	No	No	No	Yes	10 days	"Practical neu- trality"
Fitness	No	Cooperation with country banks	No	Yes	60-90 days	"Neutral"
Fitness, resi- dence in state	Yes	No	No	Yes	Certain special classes kept indefinitely; others elimi- nated periodi- cally	Applicants in- formed of ex- istence of dis- pute
Fitness	No	Cooperation with county clerks	No	Yes	30 days ordi- narily	No strike breakers fur- nished

PUBLIC EMPLOYMENT

I State and No. of Exchanges	II Operations for 1913			V Appropriation, Current Fiscal Year	VI Per Capita Cost of Filling Positions	VII Separate Departments Maintained for
	Applications for Work	Applications for Help	Positions Filled			
Minnesota (3)	53,438 ^c	55,371 ^c	63,339	Included in la- bor depart- ment appro- priation; \$10,- 000 estimated	\$.1577	Men Women
Missouri (3)	16,063	19,437	14,439	Included in la- bor depart- ment appro- priation; \$9,000 esti- mated	\$.62 (Estimated)	None
Nebraska (1)	977 ^j	1,276 ^j	No informa- tion	No informa- tion	No informa- tion	No informa- tion
New York (Not yet in operation)						Men Women Farm labor, etc. (Permissive)
Ohio (5)	114,603	69,385	67,425	Included in la- bor depart- ment appro- priation; \$13,500 esti- mated	\$.20 (Estimated)	Men Women (In some bu- reaus)
Oklahoma (3)	23,159 ^k	18,346 ^k	13,294 ^k	\$4,100	\$.37	None
Rhode Island (1)	3,029	2,187	2,386	\$4,000	\$ 1.67	Men Women
South Dakota (1; inactive)				None		
West Virginia (1)	2,205 ^s	2,539 ^s	1,936 ^s	\$1,200	\$.619	None
Wisconsin (4)	50,548	50,994	26,837	\$11,786.75	\$.44	Men Women (In Milwaukee office also skilled and un- skilled)

^a Fourth office opened in 1913. ^b Average of two years, 1911-1912. ^c Figures for 1912.

^d Figures do not include harvest hands, of whom the bureau reports that it "placed directly and indirectly more than 16,000."

Eleven months, November 1, 1912-September 30, 1913.

Eleven months, August 1, 1911-July 30, 1912. (Figure in "Positions Filled" column is, however, for 1913.)

EXCHANGES—STATE

VIII Basis of Selection in Sending Applicants to Positions	IX Is Effort Directed toward		XI Is Transportation Advanced by Offices?	XII Are Applications from Outside the State Accepted?	XIII Period for which Applications are Valid	XIV Policy During Labor Disputes
	Vocational Guidance?	Industrial Removal?				
Fitness	Occasional advice by superintendents	Information to applicants	No	Yes	30 days, unless renewed	Applicants informed of existence of dispute
Need of employment, fitness	No	Information to applicants	No	Yes	30 days	No strike breakers furnished
No information	No information	No information	No information	No information	No information	No information
	Yes					Applicants notified of existence of dispute
Fitness	No	Some effort to get men on farms	No	Yes	Indefinitely	No strike breakers furnished
Fitness	No	No	No	Yes	Most cases 30 days	No strike breakers furnished
Fitness, number of dependents	Advice by manager	Information from other offices utilized	Yes	Yes	Indefinitely	Applicants informed of existence of dispute
Fitness	No	No	No	Yes	Indefinitely	"Neutral"
Fitness; if equally fit, residents and married men given preference	Occasional advice by superintendents	Applications exchanged between offices	No	Yes	1 month	Applicants informed of existence of dispute

* Figures for 1912.

† Twelve months, October 1, 1911-September 30, 1912.

‡ Figure for Indianapolis office, year ending September 30, 1912.

§ Figures for two years, 1909-1910.

¶ Year ending June 30, 1913.

B.

I City	II Operations for 1913			V Appropriation, Current Fiscal Year	VI Per Capita Cost of Filling Positions	VII Separate Departments Maintained for
	Applications for Work	Applications for Help	Positions Filled			
Phoenix ^a (Ariz.)						
Los Angeles (Calif.)	No information	No information	9,704 ^b	\$10,000	\$.18	Men Women Juveniles
Sacramento (Calif.)	3,488	2,785	2,785	\$1,800	\$.646 (Estimated)	Men Women
Kansas City (Mo.)	No information	No information	31,146	Included in Board of Public Wel- fare budget; cost last year \$5,226.68	\$.17	None
Butte (Mont.)	3,450	3,659	3,276	\$2,500	\$.75	Men, Women; Skilled Unskilled
Great Falls (Mont.) (Inactive)				None		
Missoula ^a (Mont.)						
Newark (N. J.)	3,406 ^c	No information	1,174 ^c	Included in general ap- propriation for city clerk's office	"Nothing"	Men Women
New York (N. Y.) (Not yet in operation)						
Cleveland (Ohio) (Not yet in operation)						
Portland (Ore.)	No information	17,659 (11 months)	17,659 (11 months)	About \$5,000	\$.283 (Estimated)	Men Women

MUNICIPAL

VIII Basis of Selection in Sending Applicants to Positions	IX Is Effort Directed toward Vocational Guidance?	X Industrial Removal?	XI Is Transporta- tion Advanced by Offices?	XII Are Applica- tions from Outside the State Accepted?	XIII Period for which Appli- cations are Valid	XIV Policy During Labor Disputes
Fitness, residence	No	No	No	Yes	30 days	"No distinction whatever"
Fitness	No	No	No	No	Until position is secured	No special policy
Residents with families first; others in alphabetical rotation	No	No	In exceptional cases	No	2 weeks	Applicants informed of existence of dispute
Fitness	No	Information from other offices utilized	No	Yes	3 months	No strike breakers furnished
Priority of application	No	No	No	No	Six months	Applicants informed of existence of dispute
Fitness	No	No	No	Yes	One week	Applicants informed of existence of dispute

PUBLIC EMPLOYMENT

I City	II Operations for 1913			IV Positions Filled	V Appropriation, Current Fiscal Year	VI Per Capita Cost of Filling Positions	VII Separate Departments Maintained for
	Applications for Work	Applications for Help	Positions Filled				
Everett (Wash.)	No information	No information	3,185	\$1,000	\$.314	None	
Seattle (2 offices)	No information	33,342	31,150	\$2,570	\$.082	Men Women	
Spokane (Wash.)	4,889	No information	5,212 ^a	\$2,100	\$.354	Men Women	
Tacoma (Wash.)	No information	19,152	17,147	\$3,305	\$.1369	Men Women	

^a Information of existence of the exchange received too late to permit of securing detailed information.

^b Four months, January 1-March 31, 1914.

EXCHANGES—MUNICIPAL

VIII Basis of Selection in Sending Applicants to Positions	IX Is Effort Directed toward		XI Is Transporta- tion Advanced by Officer?	XII Are Appli- cations from Outside the State Accepted?	XIII Period for which Appli- cations are Valid	XIV Policy During Labor Disputes
	Vocational Guidance?	Industrial Removal?				
Residents with families first; others in order of application	“Public schools at- tend to this matter”	Information from other offices and from trans- portation companies utilized	No	Yes	Until position is secured	“Absolutely non-partisan”
Fitness	No	No	No	Yes	Men, 2 weeks; women, up to several months, de- pending on kind of work	Applicants in- formed of ex- istence of dis- pute
Fitness	No	No	Sometimes	Yes	Laborers, 1 week; others, 1 month	Applicants in- formed of ex- istence of dis- pute
For laborers, married men; for mechanics, fitness	No	No	No	Yes	Until position is secured or applicant leaves city	Applicants in- formed of ex- istence of dis- pute

* Figures for 1910.

† Includes a number of cases in which the same applicant was sent to several short jobs.

VII

PRESENT STATUS OF UNEMPLOYMENT INSURANCE

On the Basis of Official Sources and of Reports Prepared for the General Convention at Ghent of the INTERNATIONAL ASSOCIATION ON UNEMPLOYMENT.

Special Supplement to *Reichs-Arbeitsblatt*, No. 12, December, 1913.

Cf. previous memoir, *Die bestehenden Einrichtungen zur Versicherung gegen die Folgen der Arbeitslosigkeit in Deutschland und im Deutschen Reich*, Berlin, 1906; as also, in connection with legislation discussed below, for Denmark: Dr. Zacher, *Die Arbeiterversicherung im Ausland*, No. Ia, p. 30; No. Ib, pp. 49, 47*, 69* ff.; *Reichs-Arbeitsblatt*, 1911, p. 182; 1912, p. 190 ff.; 1913, p. 590. For Norway, cf. Zacher, *ibid.*, No. IIIb, pp. 43, 19*, 23* ff.; and *Reichs-Arbeitsblatt*, 1911, p. 276 ff. For Great Britain, cf. Zacher, *ibid.*, No. Va, p. 51; No. Vb, pp. 6, 84, 91 ff., and *Reichs-Arbeitsblatt*, 1909, p. 830; 1910, p. 357; 1911, pp. 448, 560, 702, 860; 1912, pp. 55, 140, 160.

Prepared by the
GERMAN IMPERIAL STATISTICAL BUREAU
DIVISION OF LABOR STATISTICS, BERLIN

Translated by the
STATISTICAL BUREAU
METROPOLITAN LIFE INSURANCE COMPANY

EXPLANATORY NOTE

A number of reports of progress in the field of unemployment insurance have recently been published in the German *Reichs-Arbeitsblatt*.¹ The reports prepared for the General Convention at Ghent of the International Association on Unemployment, in September, 1913, furnish a new stimulus to issue a statement with regard to the present status of unemployment insurance. In order to facilitate a summary view of the situation, an attempt has been made to arrange the most important information in the comparative tables which follow, on the basis of the resumés of social insurance in Europe.² Use has been made of official publications, as well as of the reports prepared for the meeting at Ghent.³

Attention has been paid solely to the arrangements made by public bodies (states, provinces, communities), leaving out of consideration measures for self-help on the part of workmen. The latter will be treated in detail for Germany, and briefly for other countries, in Special No. 8 of the *Reichs-Arbeitsblatt*.⁴ This will appear shortly, and will be devoted to the status of unions of employers, workmen, and other employees in 1912. Moreover, we have left out of consideration the philanthropic work of employers, as well as that of funds and societies.

In the arrangement of the tables Germany has been placed at the end of the series.

Interpreting the term "insurance" in its broadest sense, the systems of unemployment insurance which have thus far found application are three in number, as follows:

¹ Cf. Supplement to No. 4, April, 1913 (Index for 1903-1912), p. 10.

² Supplement to No. 12, December, 1912, of the *Reichs-Arbeitsblatt*.

³ For Germany, cf. *Der gegenwärtige Stand der Arbeitslosenfürsorge und -Versicherung in Deutschland*, Publications of the German Association on Unemployment, No. 2, prepared by Dr. E. Bernhard. The reports for other countries are at hand in the form of publications of the conference; they will appear in the *Bulletin Trimestriel de l'Association Internationale pour la Lutte contre le Chômage*.

⁴ Cf. *Statistisches Material sur Frage der Arbeitslosigkeit*, prepared by the Imperial Ministry of the Interior (November, 1913), p. 52 ff. For foreign countries, cf. *Statistisches Jahrbuch für das Deutsche Reich*, 1913, p. 16* f.

I. *The system of subsidies paid by public bodies to the unemployment insurance funds of industrial unions.* This is usually called the "Ghent system," after the city in which it was first applied. It has been introduced more generally than any other. In this connection it is important to determine whether the payment of subsidies is left entirely to the communities or other public bodies, or whether additional sums are given by the state, and, in the latter case, whether these sums are dependent upon the budget or are determined by law.

The system of subsidization is left entirely to the communities (or provinces) in Germany, in Belgium (where its development is oldest and greatest), in Holland, in France (where, besides a number of communities and departments, the state has set aside the sum of 100,000 francs in its budget, which amount has never been fully utilized, as the slight importance of the industrial benefit system in that country does not seem to have been influenced by subsidization), in Luxemburg, and in a number of cantons of Switzerland (in the form of cantonal subsidies).

Legal regulation for the whole country has been instituted in Norway, in Denmark, in Great Britain (besides the compulsory insurance which has been introduced into some industries), and, if we take the Swiss cantons into consideration, in Geneva and in the city of Basel (besides the voluntary unemployment insurance fund). It is noteworthy that, in Norway, Denmark, and Great Britain, the system of labor exchanges has been regulated by law, hand in hand with insurance. (Cf. the Norwegian law of June 12, 1906, the English law of September 20, 1909, the Danish law of April 29, 1913, and the international report to the Ghent conference, September, 1913, printed in the *Reichs-Arbeitsblatt*, 1913, p. 761 ff.)

The results of the Ghent system must in general be designated as slight. Its purpose, "training in self-help," has been fulfilled almost nowhere, either in the sense that the industrial unions have received a greater influx of members because of the subsidies, or in the sense that they have introduced or further developed unemployment benefit. Only this has been attained—the benefits given by these unions have been increased. However, those who have received them constitute a comparatively small portion of the total number of unemployed, even where, as in Denmark, the organization

of workmen was far advanced before the introduction of the subsidy system. In Belgium, moreover—in the mother country of the system—comparatively few workmen reap its benefits. It is true that the organization movement has forged ahead in Germany much farther than in Belgium or in France, and that unemployment benefit has attained a much greater development there than in other countries. (Cf. Special No. 8, *Reichs-Arbeitsblatt*.) Yet it has thus far been impossible to determine any effect upon the strength of organization, and upon the development of unemployment insurance, in the cities which have introduced the Ghent system. Furthermore, it cannot be denied that conditions are less favorable to success in Germany than anywhere else. While in other countries industrial unions are preponderantly organized on a local basis, the German bodies are invariably strongly centralized. Moreover, their benefit system is, in general, unified and adapted to the entire empire.

The light financial burdens which, according to the tables, are necessitated by the Ghent system (in 9 German cities for which we know at least the amount of the annual grants, they add up to only a little more than 40,000 marks) have aided its adoption greatly, but have at the same time contributed to decreasing its efficiency in the campaign against the consequences of unemployment. Hence its ardent champions have become convinced that at least a partially compulsory insurance system should be instituted.

The subsidization of industrial unions is frequently, as in Ghent, associated with the subsidization of savings societies or of individual savers, which, however, has almost universally turned out to be a failure.

We have still to consider the payment of subsidies to voluntary unemployment funds.

II. *The system of state or communal voluntary unemployment funds.* The best-known funds of this class are those of the city of Berne, of the canton of Basel, and of the city of Cologne (formerly a free society with a considerable municipal subsidy). Recently, on the basis of the modern charters worked out by the Bavarian government, the cities of Kaiserslautern, Bavaria, and Schwäbisch Gmünd, Württemberg, have associated with the subsidy system the institution of voluntary unemployment insurance funds. However, we have no reports as yet concerning their experience.

In general, the voluntary unemployment funds are hampered by the fact that only a comparatively small number of workingmen join them. In the case of almost all of these the danger of unemployment is especially great, or lack of work is a regularly recurring phenomenon. The greatest number of voluntary insured belonged to the Cologne fund in its earlier form. Since its modern reconstruction, with increased dues, it has been able to obtain but few members.

Greater success has been experienced by the Cologne fund in its new activity, the reinsurance of industrial unions. This is akin to the Ghent system, but is distinguished from it by requiring payment from the unions in return for subsidization. Furthermore, from the viewpoint of advancing self-help, Cologne has obtained better results than other cities by means of the Ghent system. It has been able to win over four industrial unions to the introduction of unemployment benefit on the basis of reinsurance. It is true that the unions in the building trades, upon whom the greatest reliance had been placed, have thus far declined to participate—the free industrial unions for the reason that they are organizations for combat and not for unemployment benefit, and the Christian unions because they feel no need.

III. *The system of compulsory insurance.* Aside from the unfortunate and rapidly abandoned experiment of 1894, in the city of St. Gall, there has never, as yet, been a system of compulsory insurance for all workmen, nor was there such an institution for particular industries until the enactment of the English national insurance act of 1911. So short a time has elapsed since the enactment of this law, which extends compulsory insurance to about 2,500,000 workmen, and its enforcement was begun in a period so favorable from a commercial point of view, that no final judgment can be given. This fact has been recognized by the Convention at Ghent of the International Association on Unemployment, in agreement with the report of the English Section.

The plan for compulsory insurance of workers in the watch and clock industry in the Swiss canton of Neuenburg is still in the preparatory phase.

* * *

Tables I, II, and III refer to arrangements outside the German Empire. The first treats of the three countries which have legal

regulation. The second table contains the data for those countries in which state subsidies are provided for in the budget, and for those in which there is no state subsidy (or, in Switzerland, no federal subsidy). The third is devoted to the two voluntary unemployment insurance funds of Switzerland.

The tables for Germany are so arranged that Table IV concerns subsidies to industrial unions; Table V, subsidies to savers and to savings societies; and Table VI, public voluntary unemployment insurance funds. Thus some cities occur in two tables; they are those which associate subsidies to industrial unions with similar payments to individual savers or to voluntary unemployment funds (Berlin-Schöneberg, Stuttgart, Feuerbach, Freiburg i. B., Kaiserslautern, Schwäbisch Gmünd). Those cities are not included which give free unemployment benefit, which differs from poor relief only in the fact that it is governed by special legislation, and that, according to the local statutes, it is not to be considered as such relief. Where benefits are paid to those who are not included in the subsidy system (particularly the unorganized), this has been especially indicated (Berlin-Schöneberg [food stamps], Erlangen, Mannheim).

A. UNEMPLOYMENT INSURANCE

I. COUNTRIES WITH

Nature	Scope	Form
Great Britain	<p>(a) Compulsory insurance for (Law of Dec. 16, 1911, in force beginning July 16, 1912)</p> <p>(b) Voluntary insurance for (Article 106)</p> <p><i>Statistics of compulsory insurance:</i> (July 12, 1913)</p>	<p>All wage workers (above age 16) in:</p> <ul style="list-style-type: none"> Building trades, Machine manufacturing, Ship building and wagon building, Iron moulding, Saw-mill industry. <p>All industrial societies the statutes of which call for unemployment benefit.</p> <p>45,200,000 inhabitants; 14,000,000 wageworkers.</p> <p>July 12, 1913: 275 societies with 1,100,000 members (including 500,000 subject to compulsory insurance).</p> <p>2,500,000 compulsorily insured (63 per cent. skilled laborers), as opposed to about 500,000 formerly voluntarily insured.</p> <p>Unemployment fund: £1,800,000</p>
Norway	<p>Voluntary insurance for (Laws of June 12, 1906-Dec. 31, 1911, and Aug. 15, 1911-Dec. 31, 1914)</p> <p><i>Statistics (1912).</i></p>	<p>All industrial societies the statutes of which call for unemployment benefit.</p> <p>2,400,000 inhabitants; 400,000 wageworkers.</p> <p>"Recognized unemployment funds" in connection with public labor exchanges (Law of June 12, 1906). Requirements for state recognition:</p> <ol style="list-style-type: none"> 1. Administration of fund independently of occupational society. 2. At least half of income of fund must consist of members' dues. 3. Benefits must be so regulated by statute that: <ul style="list-style-type: none"> (a) No benefit is paid in case of unemployment when there is information of suitable work or through the fault of the insured (including strikes and lock-outs); no double insurance or insurance for the first three days of unemployment is permitted; (b) benefit is not paid until the insured has been a contributing member for 6 months, the maximum being half of the normal daily wage in his occupation, and the maximum period being 90 days per annum; and (c) there will be a special assessment, or reduction in the rates of benefit, in case of insufficient resources. <p>19 funds (17 workmen's funds, 2 employers' funds), with 27,000 members (about 50% of the organized workmen).</p>
Denmark	<p>Voluntary insurance for (Law of April 9, 1907, in force beginning August 1, 1907)</p> <p><i>Statistics (1912).</i></p>	<p>Workmen's industrial societies the statutes of which call for unemployment benefit.</p> <p>2,800,000 inhabitants; 500,000 wageworkers.</p> <p>"Recognized unemployment funds," in connection with public labor exchanges (Law of April 29, 1913). Requirements for state recognition:</p> <ol style="list-style-type: none"> 1. Administration of fund independently of industrial society; 2. Occupational or local limitation of fund; 3. At least 50 members; none below age 18 or above age 60. 4. Benefits must be regulated by statute so that: <ul style="list-style-type: none"> (a) No benefit is paid in case of unemployment when there is information of suitable work, or through the fault of the insured (including strikes and lock-outs); no double insurance or insurance for the first three days of unemployment is permitted; (b) benefit is not paid until the insured has been a contributing member for one year, the maximum being two-thirds of the normal daily wage in the occupation or locality. However, this must not be less than $\frac{1}{2}$ kroner or more than 3 kroner, and must not be paid for more than 70 days in the year; and (c) there must be extra dues in case of insufficient funds. <p>53 funds, with 111,187 members (60% of those capable of being insured).</p>

¹ The statistics cover only the first half-year of 1913, as benefit has been paid only since January 15, 1913. It is particularly unjustified to draw general conclusions from the figures for this short period, because economic conditions were extraordinarily satisfactory. (The unemployment rate of the trades unions was only 2.1 per cent. in 1913, as opposed to an average of 4.9 per cent. for the last ten years.)

OUTSIDE OF GERMANY

LEGAL REGULATION

Dues	Benefits	Appeal
Regular weekly dues, 5 pence (2½ pence paid by employer, 2½ pence by employee). Furthermore, there is a state subsidy amounting to one-third of the annual receipts from dues.	7 shillings per week (through the labor bureau ¹), from the second to the fifteenth week of unemployment in each year, provided that <ul style="list-style-type: none"> (a) the insured has worked at least 26 weeks in the year, for the last 3 years, in an occupation subject to compulsory insurance; (b) he has not become unemployed through strike or through his own fault; and (c) he does not receive from the labor bureau information of work of equal value. (Persons aged 17-18 receive half benefit; persons below age 17 receive none.) 	Appeal may be made, without expense, to: <ul style="list-style-type: none"> (a) insurance official; (b) court of arbitration; and (c) non-partisan arbitrator.
State subsidy by repayment to the society of a maximum of one-sixth of the annual expenditure for weekly benefit, not in excess of 12 shillings. (The budget of 1913-1914 provides for an expenditure of £70,000.) Annual dues, £1,700,000. State subsidy, £600,000. Total income, £2,300,000.	Expenditures: 236,458 pounds for about 400,000 cases (an average per case of about 10 shillings for 10 days, with 16 days of unemployment, as almost one-third of the cases were disposed of during the waiting period of one week). Average rate of unemployment: 3.5 per cent. (building trades, 5.0 per cent.; shipbuilding, 3.1 per cent.).	Of 420,802 applications, 37,424 (8.9%) were referred to (a); 2,907 (8.0% of the previous number) to (b); and 49 cases to (c).
Dues vary according to the statutes of the fund. According to Section 6 of the law, the unemployment fund must admit unorganized members of the occupation (without the necessity of giving them the right to vote); however, their dues may be increased by 10%-15% in consideration of the administrative expenses borne by the occupational society. State subsidy amounting, under the Amendment of July 25, 1908, to one-third (previously one-fourth) of the annual expenditures for benefit, with an assessment of two-thirds of this subsidy paid by the community in which the insured resides. No dues are paid by employers, as they are called upon to aid in the support of accident and sickness insurance. Members' dues, kroners 186,252 Subsidy, from state and communities, kroners 36,300 Total income, kroners 222,561 Total capital, kroners 387,545	Benefit varies according to the statutes of the fund. However, it is legally limited to Norwegian citizens and to persons who have been resident in Norway for 5 years (Cf. Column 3).	Appeal may be made, without expense to: <ul style="list-style-type: none"> (a) executive of fund; and (b) ministry.
Dues vary according to the statutes of the fund. (In 1912 they varied between 4.80 and 26 kroners, the average being 12 kroners). State subsidy (compulsory): one-third of dues. Community subsidy (voluntary): up to a maximum of one-sixth of dues.	Expenditures: 144,781 kroners to unemployed.	
Dues, kroners 1,300,000 State subsidy, kroners 800,000 Community subsidy, kroners 400,000 Total income, kroners 2,500,000 Reserve fund, kroners 2,400,000 Total income, 1907-1912: 9,600,000 kroners (54% dues, 32% state subsidy, and 14% community subsidy).	Benefits vary according to the statutes of the fund. (Daily benefit of ½ kr.-2 kr. for 70-180 days, according to length of membership).	Appeal may be made, without expense, to: <ul style="list-style-type: none"> (a) executive of fund; (b) committee; and (c) minister.
	Compensation: 1,700,000 kroners. (Average unemployment, 26 days, for about half of which compensation was paid.) Total compensation, 6,500,000 kroners.	

¹ Under Article 105 of the law, trades unions may take over payment instead of the labor bureaus, receiving from the unemployment fund a maximum of three-quarters of their expenditures. (One hundred and five organizations, with 589,775 members, have thus far availed themselves of this clause, including 21 societies, with about 14,000 members, which have taken over payment of unemployment benefit.)

II. VOLUNTARY UNEMPLOYMENT INSURANCE BY WORKMEN'S

	Scope	Societies	Membership	Dues	Benefits	Persons Unemployed
Luxemburg	260,000 inhabitants; 55,000 workmen (1909)	8	800	2400 fr.	1800 fr.	....
France	40,000,000 inhabitants; 10,000,000 workmen. (a) State (1912)..... (b) State (1911)..... (c) 12 departments (1911). (d) 51 cities ^a (1911). Total, (b)–(d)	114 114 209	49,595 (48,089)	.... .... ....	209,564 fr. (193,578 fr.) ^b 224,159 fr. (206,747 fr.) ^b	8,429 8,609
Holland	5,900,000 inhabitants; 1,600,000 workmen (1912)	281	29,313	....	50,191 florins (92,261 florins, including subsidy)	....
Belgium	7,400,000 inhabitants; 2,100,000 workmen (1,000,000 industrial workers) (1912). (a) State..... (b) 5 Provinces..... (c) 61 communities..... (d) 81 communities..... (e) Communities (9). (f) Communities..... Total (a)–(f)	{Societies supported by communities, and other organizations. 401 81 See footnote ^c 7 savings societies	103,537 in 270 societies rendering report.	.... .... .... ....	290,187 fr. 20,394 fr. 481 fr. 775 fr.	29,203 (27,081) ^b 1,569 (1,560) ^b 22 40
Switzerland	2,800,000 inhabitants; 800,000 workmen: Canton of St. Gall (Law of May 19, 1894): (1912)..... (1911)..... Canton of Geneva (Law of Nov. 6, 1909): (1911)..... (1910)..... Canton of Basel City (Law of Dec. 16, 1909): (1912)..... Canton of Appenzell..... Canton of Appenzell (1912).....	8 4 12 10 5 3 3	............................	............................	............................	............................
Italy	34,700,000 inhabitants; 10,500,000 workmen: (a) 2 cities..... (b) 1 city (1910).....	Savings fund	795 savers	About 12,000 liras	....	543

III. PUBLIC VOLUNTARY

	Scope	Societies	Membership	Dues	Benefits	No. of Unemployed
Switzerland	Canton of Basel City (Law of Dec. 16, 1909) (1912). City of Berne (1912)..... Canton of Berne.....	Unemployment fund Unemployment fund Unemployment fund for the watch and clock industry in Berne Jura (foundation which has not yet begun activity).	1,214 636	9,434 fr. 8,773 fr.	34,512 fr. ^d 19,130 fr.	605 (563) ^b 321

^a Not including cantonal legislation.

^b Benefits toward which subsidy was paid.

^c Including 21 cities which have passed general legislation with regard to subsidies.

^d Bill of August 9, 1907, with regard to state subsidy, not disposed of.

SOCIETIES WITH PUBLIC SUBSIDY BUT WITHOUT LEGAL REGULATION¹

Subsidies		Days of Unemployment (with Compensation)	Expenses of Administration	Remarks	Laren- bunt
Community	State				
Credit of 1500 fr. each		....	....	Division into thirds according to membership, dues, and benefits.	
....	47,542 fr.	102,795	....		France
....	50,728 fr.	116,373	....	
112,423	18,550 fr. ....	....	....	Since the enactment of the Finance Law of April 22, 1906, the state has granted an annual credit of 100,000 fr. Maximum state subsidy (for benefit up to 2 fr. and 60 days), 20 per cent. of benefit for local funds and 30 per cent. for occupational funds.	
Total, 181,699					
42,070 fr.	See foot-note 4	....	....	Subsidy of 50-60 cents toward benefit for 50 to 60 days. Also voluntary fund in Dordrecht, as yet without members, not mentioned in Table III, below.	Holland
....	24,911 fr. 49,830 fr.	....	....
134,157 fr.	....	229,089 (208,890) ⁶	....	
12,546 fr.	....	11,787 (9,145) ⁶	....	
289 fr.	....	481	19,448 fr.		
393 fr. 147,385 fr.	74,741 fr.	522 ....	....	Under (c) subsidies are paid to those receiving aid from industrial unions. Under (d) subsidies are paid directly to the industrial unions. Headings (e) and (f) do not include communities giving subsidies to individual savers and savings organizations, which come under (c) and (d). These figures account for about 252,000 workmen organized in industrial unions.	Belgium
Total 222,126 fr.					
....	2,669 fr. 475 fr.	....	....	Besides the cantons specified in the first column, Zurich and Thurgau granted small subsidies to an industrial union fund in 1911. Subsidy of 50 per cent. of benefit.	Switzerland
....	1,953 fr. 2,343 fr.	(for 2,584 days of unemployment)	....	Subsidy of 60 per cent. of benefit.	
....	3,412 fr. Credit: 2,000 fr. 1,601 fr.	....	....	Subsidy of 40 to 50 per cent. of benefit. Subsidy of 50 per cent. of benefit.	
Interest on 300,000 liras	....	5,977 (1909)	....	Subsidies are also paid under the Ghent system by a private foundation in Milan (Societa Umanitaria).	Italy

UNEMPLOYMENT FUNDS

Subsidies		Days of Unemployment (Compensated)	Expenses of Administration	Remarks	Switzerland
Community	State				
....	27,000 fr.	....	....
12,000 fr.	....	....	....
....	Lottery granted; subsidy of 5,000 fr. under consideration.	....	....

⁵ Number of unemployed, and number of days of unemployment, for which communal subsidy was paid.

⁶ Individual savers.

⁷ Also subsidies from voluntary aid fund: 420 fr.

⁸ Benefit obtained for 15,407.5 days.

B. COMMUNAL UNEMPLOYMENT

IV. SUBSIDIES TO

	City and Year of Installation of System	Year of Report	Requirements for Payment of Subsidy			Amount and Duration of Subsidy		
			Classes of Workingmen Excluded	Period of Residence Required	Waiting Period	In Proportion to Society Benefit	Maximum per Day	Maximum per Year
Prussia	Berlin-Schöneberg, 1910.	1912	.....	1 year	Maximum 7 days.	50%	1 mark	60 days
Bavaria	Erlangen, 1909...	1912	Unskilled	3 years	7 days	50%	0.60 m.	6 weeks
	Kaiserslautern, 1913.	.....	.....	.....	.....	To be determined monthly	0.60 m.	.....
Württemberg	Stuttgart, 1912...	6 months, Oct. 1, 1912, to Mar. 31, 1913	....	1 year	As in industrial society	50%; with children, 5%—25% more	1 m.; with children, 1.50 m.	As in industrial society
	Feuerbach, 1913..	....	....	1 year	As in industrial society	As in Stuttgart	As in Stuttgart	As in industrial society
	Schwäbisch Gmünd 1911 (Entered into force Mar. 1, 1913)	....	Occupationally and physically suited for public relief work	2 years	....	Unmarried: 0.40 m. Married: 0.50—0.60 m.	....	6 weeks
	Esslingen, 1913 (Entered into force Oct. 15, 1913)	....	....	1 year	As in industrial society	50%	1 m.	As in industrial society
Baden	Freiburg i.B., 1910	1912	Occupationally and physically suited for public relief work	1 year	5 days	50%	1 in.	40 days
	Mannheim, 1913 (Entered into force July 1, 1913)	....	....	1 year	As in industrial society	0.70 m.; for each child, 0.10 m. more	1 m.	60 days
Hessen	Offenbach a. M., 1913	....	....	1 year	5 days	Unmarried: 0.50 m. Married: 0.70 m. For each child, 0.15 m. more	1.30 m.	78 days
Alsace-Lorraine	Strassburg, 1907..	1911-1912	....	1 year	As in industrial society	50%	1 m.	As in industrial society
	Illkirch-Graffenstaden, 1910	1912	.....	.....	.....	As in Strassburg	.....	.....
	Schiltigheim.....	....	.....	.....	.....	As in Strassburg	.....	.....
	Bischheim.....	....	.....	.....	.....	As in Strassburg	.....	.....
	Mülhausen, 1909..	1911	....	1 year	As in industrial society	70%; families, 80%	1 m.	As in industrial society
	Amendments, 1913	....	....	1 year	As in industrial society	0.80 m.; families, 1 m.	1 m.	As in industrial society

¹ Number of cases. The number of individuals receiving benefit was 288.

² Only days for which communal subsidy was paid.

³ 93 of this number received aid from the city.

⁴ Only days for which communal benefit was paid.

INSURANCE IN THE GERMAN EMPIRE

INDUSTRIAL SOCIETIES

Industrial Societies Affected		Benefits Paid			Community Subsidy, in Marks	Remarks	Prussia
Number of Societies (Local Administrations)	Membership	Number of Unemployed Receiving Benefit	Number of Days for which Compensation was Paid	Amount of Benefit, in Marks			
59	620	15,770	.....	12,631	Subsidies are also paid to individual savers; cf. V. There is also non-contributory benefit to the unemployed through food stamps.	Bavaria
18	73	1,797	.....	1,033	As regards Kaiserslautern insurance fund, cf. VI.	
44	776	36,568 (incl. savers)	66,022 (incl. withdrawals by savers)	Annual grant, 10,000; 9,746 paid out (incl. payments to savers)	Stuttgart and Feuerbach: Mutual agreement. For subsidies to savers, cf. V.	Württemberg
....	Annual grant, 1,000 (incl. subsidy to savers)	Schwäbisch Gmünd: As regards insurance fund, cf. VI.	
....	Annual grant, 1,000 (incl. insurance fund)		
....		
10	1,892 (9 societies)	518	7,227	10,291	1,861	Freiburg: For subsidies to savers, cf. V.	Baden
....	Mannheim: Non-contributory benefit to unemployed not members of societies.	
....	For subsidies to savers, cf. V.	Hessen
26	7,444	627 ¹	7,499 ²	19,951	6,086	Mutual agreement between Strasbourg, Illkirch-Graffenstaden, Schiltigheim and Bischheim.	Alsace-Lorraine
....	1	36	....	7.50		
....		
....		
20	194 ³	2,460 ⁴	....	2,316		
....		

V. SUBSIDIES TO SAVINGS

	City and Year of Installation of System	Year of Report	Requirements for Payment of Subsidy			Amount and Duration of Subsidy		
			Classes of Workingmen Excluded	Period of Residence Required	Waiting Period	In Proportion to Deposit Withdrawn	Maximum per Day	Maximum per Year
Prussia	Berlin-Schöneberg, 1910.....	1912	Females	1 year	Maximum, 1 week	50%	1 m.	60 days
Württemberg	Stuttgart, 1912...	6 months, Oct. 1, 1912, to Mar. 31, 1913	Irregular workers and married female workers	1 year	6 days	50%; with children, 5% to 25% more	1 m.; with children, 1.50 marks	50 days ¹
	Feuerbach, 1913...	....				As in Stuttgart		
Baden	Freiburg i. B., 1910	1912	....	....	....	50%	1 m.	See Footnote 2

VI. PUBLIC VOLUNTARY

	City and Year of Installation of System	Year of Report	Requirements for Payment of Subsidy				Membership (Risk) Classes	Weekly Dues, in Pfennigs	
			Classes of Workingmen Excluded	Period of Residence Required	Waiting Period Before Right to Obtain Benefit	Waiting Period After Beginning of Unemployment		Insured	Re-Insured
Prussia	Cologne, 1896, entirely transformed in 1911.	July 1, 1912, to June 30, 1913	Workmen with maximum average daily wage of 2.50 m.; home workers	Insured, 13 weeks; re-insured, 1 year	52 weekly payments	6 days	3 (I-III)	Schedule A B I 15 20 II 20 30 III 45 60 Higher rates for members above age 60	4 10 30
Bavaria	Kaiserslautern, 1912 (Entered into force April 1, 1913).....	....	Married females	....	52 weekly payments	7 days	4 (I-IV)	Un-married I 20 30 II 32 48 III 48 72 IV 60 90 Initiation fee, 50 pf.	
Württemberg	Schwäbisch Gmünd, 1911 (Entered into force April 1, 1912).....	....	Persons occupationally and physically suited for public relief work; married females	1 year	52 weekly payments	7 days	2 (I-II)	Un-married I 20 30 II 35 52 Initiation fee, 50 pf.	

¹Maximum deposit, 100 marks.

²Maximum deposit, 40 marks.

SOCIETIES AND INDIVIDUALS

Recipients of Subsidy			Deposits		Withdrawals		Number of Days for which Compensation was Paid	Community Subsidy in Marks	Remarks	Prussia
Individual Savers	Savings Societies	Membership	Number of Depositors	Amount, in Marks	Number of Payees	Amount, in Marks				
172	....	....	172	....	56	....	987	987	Cf. IV	Prussia
22	2	....	....	....	22	....	See Table IV		Cf. IV	Württemberg
....
....	....	....	....	....	8	....	133	66.50	....	Prussia

UNEMPLOYMENT INSURANCE FUNDS

Amount and Duration of Subsidy		Number of Insured			Dues in Marks		Benefits in Marks			Remarks
Amount per Day in Marks	Maximum per Year in Marks	Individually Insured	Re-insured Societies	Membership	Individually Insured	Societies	Individually Insured	Societies	Community Subsidy, in Marks	
Insured: First 20 days: 40 days A 1.50 0.75 B 2.00 1.00 Reinsured: 0.75 according to number of weekly payments made; maximum, 60 times these rates	Maximum, 189; 38 dropped because of non-payment; remainder, 161	25	11,105	5,124	19,170	6,002	23,798	60,377	Benefit paid to 14 individually insured, 2,121 re-insured. Compensation paid for 472 days of unemployment to individually insured; for 31,731 days to re-insured	Prussia
Un-married, 0.80; married, 1.20	60 days	....	....	....	....	....	....	....	See Table IV	Bavaria
Un-married, 0.50; married, 0.75	6 weeks	....	....	....	....	....	....	....	See Table IV	Württemberg

VIII.

NEW LEGISLATION ON EMPLOYMENT EXCHANGES

NEW LEGISLATION ON EMPLOYMENT EXCHANGES

Following is the text of the measures referred to in the Introductory Note as having been enacted by New York city and New York state and introduced in Congress subsequent to the First National Conference on Unemployment:

ORDINANCE ESTABLISHING A MUNICIPAL EMPLOYMENT BUREAU

Adopted by the Board of Aldermen, New York City, April 28, 1914,
and Approved by the Mayor May 4, 1914.

Be it Ordained by the Board of Aldermen of The City of New York, as follows:

Section 1. There shall be a Public Employment Bureau in and for The City of New York, attached to the Department of Licenses, with the principal office in the Borough of Manhattan, and a branch office in such other boroughs as may be deemed necessary and designated by the Commissioner of Licenses for the purpose of aiding unemployed persons in securing employment and employers of labor in securing employees but no fee shall be charged by said Bureau, or any officer or employee thereof for such purpose.

Section 2. The employees of said Public Employment Bureau shall consist of such Assistants and Clerks as may be found necessary for properly carrying on the work of said Bureau, and they shall be appointed and removed by the Commissioner of Licenses in accordance with the rules and regulations of the Municipal Civil Service Commission, and shall be paid such compensation as shall be fixed and established pursuant to section 56 of the Greater New York Charter.

Section 3. There shall be kept in the principal office of said Bureau and in each and every branch office thereof such systems of records as may be necessary properly to record and classify, according to trade or profession, (1) all applicants for positions; (2) all positions to be filled as reported to said Bureau; (3) all persons sent

to those seeking employees; (4) all such persons who secure employment, and (5) such other records as the Commissioner of Licenses deems necessary. A report of the transactions of each branch office shall be transmitted each day to the principal office of the Public Employment Bureau in the Borough of Manhattan.

Section 4. The Public Employment Bureau shall, in so far as it is feasible, cooperate with such employment bureaus or intelligence offices as now exist, or which are now or may hereafter be established and conducted by the United States or the State of New York.

Section 5. This ordinance shall take effect immediately.

LAW ESTABLISHING A STATE BUREAU OF EMPLOYMENT

Passed by the Legislature of the State of New York, and Approved
by the Governor April 7, 1914 (Chapter 181, Laws 1914)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * § 66. *Director.* The bureau of employment shall be under the immediate charge of a director who shall have recognized executive and managerial ability, technical and scientific knowledge upon the subject of unemployment and administration of public employment offices and recognized capacity to direct investigations of unemployment and public and private agencies for remedying the same. The civil service examination for the position of director shall be such as to test whether candidates have the above qualifications. As a part of such examination each candidate shall be required to submit a detailed plan of organization and administration of employment offices such as are contemplated by this article.

§ 66-a. *Public employment offices.* The commissioner of labor shall establish such public employment offices, and such branch offices, as may be necessary to carry out the purpose of this article.

§ 66-b. *Purpose.* The purpose of such offices shall be to bring together all kinds and classes of workmen in search of employment and employers seeking labor.

§ 66-c. *Officers.* Each office shall be in charge of a superintendent, who shall be subject to the supervision and direction of the director. Such other employees shall be provided as may be necessary for the proper administration of the affairs of the office.

§ 66-d. *Registration of applicants.* The superintendent of every public employment office shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the commissioner of labor.

§ 66-e. *Reports of superintendents.* Each superintendent shall make to the director such periodic reports of applications for labor

or employment and all other details of the work of each office, and the expenses of maintaining the same, as the commissioner of labor may require.

§ 66-f. Advisory committees. The commissioner of labor shall appoint for each public employment office an advisory committee, whose duty it shall be to give the superintendent advice and assistance in connection with the management of such employment office. The superintendent shall consult from time to time with the advisory committee attached to his office. Such advisory committee shall be composed of representative employers and employees with a chairman who shall be agreed upon by a majority of such employers and of such employees. Vacancies, however caused, shall be filled in the same manner as the original appointments. The advisory committees may appoint such subcommittees as they may deem advisable. At the request of a majority either of the employers or of the employees on advisory committees, the voting on any particular question shall be so conducted that there shall be an equality of voting power between the employers and the employees, notwithstanding the absence of any member. Except as above provided, every question shall be decided by a majority of the members present and voting on that question. The chairman shall have no vote on any question on which the equality of voting power has been claimed.

§ 66-g. Notice of strikes or lockouts. An employer, or a representative of employers or employees may file at a public employment office a signed statement with regard to the existence of a strike or lockout affecting their trade. Such a statement shall be exhibited in the employment office, but not until it has been communicated to the employers affected, if filed by employees, or to the employees affected, if filed by employers. In case of a reply being received to such a statement, it shall also be exhibited in the employment office. If any employer affected by a statement notifies the public employment office of a vacancy or vacancies, the officer in charge shall advise any applicant for such vacancy or vacancies of the statements that have been made.

§ 66-h. Applicants not to be disqualified. No person shall suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through a public employment office, where the ground of refusal is that a strike or lockout exists which affects the work, or that the wages are lower than those

current in the trade in that particular district or section where the employment is offered.

§ 66-i. Departments. The commissioner of labor may organize in any office separate departments with separate entrances for men, women and juveniles; these departments may be subdivided into a division for farm labor and such other divisions for different classes of work as may in his judgment be required.

§ 66-j. Juveniles. Applicants for employment who are between the ages of fourteen and eighteen years shall register upon special forms provided by the commissioner of labor. Such applicants upon securing their employment certificates as required by law, may be permitted to register at a public or other recognized school and when forms containing such applications are transmitted to a public employment office they shall be treated as equivalent to personal registration. The superintendent of each public employment office shall co-operate with the school principals in endeavoring to secure suitable positions for children who are leaving the schools to begin work. To this end he shall transmit to the school principals a sufficient number of application forms to enable all pupils to register who desire to do so; and such principals shall acquaint the teachers and pupils with the purpose of the public employment office in placing juveniles. The advisory committees shall appoint special committees on juvenile employment which shall include employers, workmen, and persons possessing experience or knowledge of education, or of other conditions affecting juveniles. It shall be the duty of these special committees to give advice with regard to the management of the public employment offices to which they are attached in regard to juvenile applicants for employment. Such committees may take steps either by themselves or in co-operation with other bodies or persons to give information, advice and assistance to boys and girls and their parents with respect to the choice of employment and other matters bearing thereon.

§ 66-k. Co-operation of public employment offices. The commissioner of labor shall arrange for the co-operation of the offices created under this article in order to facilitate, when advisable, the transfer of applicants for work from places where there is an oversupply of labor to places where there is a demand. To this end he shall cause lists of vacancies furnished to the several offices, as herein provided, to be prepared and shall supply them to news-

papers and other agencies for disseminating information, in his discretion, and to the superintendents of the public employment offices. The superintendent shall post these lists in conspicuous places, so that they may be open to public inspection.

§ 66-l. *Advertising.* The commissioner of labor shall have power to solicit business for the public employment offices established under this article by advertising in newspapers and in any other way that he may deem expedient, and to take any other steps that he may deem necessary to insure the success and efficiency of such offices; provided, that the expenditure under this section for advertising shall not exceed five per centum of the total expenditure for the purposes of this article.

§ 66-m. *Service to be free.* No fees direct or indirect shall in any case be charged to or received from those seeking the benefits of this article.

§ 66-n. *Penalties.* Any superintendent or clerk, subordinate or appointee, appointed under this article, who shall accept directly or indirectly any fee, compensation or gratuity from any one seeking employment or labor under this article, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in jail for a term not exceeding six months, or both, and shall thereafter be disqualified from holding any office or position in such bureau.

§ 66-o. *Labor market bulletin.* The bureau of statistics and information of the department of labor shall publish a bulletin in which shall be made public all possible information with regard to the state of the labor market including reports of the business of the various public employment offices.

§ 66-p. *Information from employment agencies.* For the purposes specified in the foregoing section every employment office or agency, other than those established under this article, shall keep a register of applicants for work and applicants for help in such form as may be required by the commissioner of labor in order to afford the same information as that supplied by state offices. Such register shall be subject to inspection by the commissioner of labor and information therefrom shall be furnished to him at such times and in such form as he may require.

§ 3. This act shall take effect immediately.

BILL TO ESTABLISH A FEDERAL BUREAU OF EMPLOYMENT

Introduced in the House of Representatives by Mr. Murdock, April 29, 1914, and Referred to the Committee on Labor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a bureau to be known as the Bureau of Employment shall be established in the Department of Labor.

SEC. 2. That the Bureau of Employment shall be under the direction of a commissioner of employment, who shall be appointed by the President with the consent of the Senate.

SEC. 3. That the purpose of this bureau shall be to lessen the amount of unemployment in the United States by studying the causes and extent of unemployment, by regulating the interstate employment business of private employment agencies, and by bringing together workmen of all kinds seeking employment and employers seeking workmen.

SEC. 4. That to this end the bureau shall establish, in connection with its central office at Washington, a system of free labor exchanges at such important industrial and commercial centers as may seem desirable to the commissioner. Each exchange shall be in charge of a superintendent, who shall be subject to the supervision and direction of the commissioner; and such other employees shall be provided as may be necessary for the proper administration of the work of the office. These exchanges shall use such methods, keep such records, and make such reports as the commissioner may require. They shall cooperate with each other by exchanging reports through the central office showing the fluctuations in the labor market in their respective districts. The central office and the branch exchanges shall cooperate as fully as possible with State, municipal, and private employment agencies.

SEC. 5. That the bureau shall investigate the methods and work of persons, corporations, and associations conducting private employment agencies which do an interstate employment business.

After January first, nineteen hundred and fifteen, no person, corporation, or association shall conduct an employment agency doing such interstate business without having procured a license from the Commissioner of Employment. Application for the license must be made upon blanks furnished by the commissioner, and must contain such information as he may require. Each application must be verified and must be accompanied by affidavits of the good moral character of the applicant, or, if the applicant be a corporation, of its officers. The commissioner shall investigate the character of the applicant, the premises to be used, and the methods of the agency. Such license shall be granted upon approval of the application and payment to the commissioner of a fee of \$25. The license, unless sooner revoked by the commissioner, shall run until the first day of July next ensuing the date thereof, and shall be renewable annually on payment of a like fee and on compliance with any rules adopted by the commissioner. Every license shall contain the name of the licensee, the address at which he is authorized to carry on business, the number and date of such license, and such further particulars as the commissioner may prescribe. Such license shall not authorize the licensee or his agents to transact business, or to hold himself or themselves out as authorized to transact business, at any place other than that prescribed in the license without the written consent of the commissioner, nor shall the license be transferred or assigned without such consent. Such licensee shall not send out an applicant for any employment within the provisions of this Act without having first obtained a bona fide order therefor in writing stating the terms and conditions of employment and whether a strike of the employees of the person or corporation making the request is in progress. Such order shall be kept on file by the licensee and shall at all times be open to the inspection of the commissioner. If a licensee is guilty of fraud or misrepresentation, or violates any of the provisions of this Act or the rules adopted thereunder, the commissioner may revoke the license, after giving such notice as he deems sufficient to the licensee and an opportunity to answer the charges. Any violation of the provisions of this Act or of the rules thereunder shall be a misdemeanor, and shall be punished by a fine of not more than \$500 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. The Secretary of Labor, on the recom-

mendation of the Commissioner of Employment, shall make the necessary rules to carry out the purposes of this Act.

SEC. 6. That the bureau shall issue bulletins giving the information it has gathered through the labor exchanges about the state of the labor market in different parts of the country. It shall also issue from time to time whatever recommendations it believes to be advisable with reference to changing the conditions that cause unemployment or to providing means for bringing the men and the work together.

SEC. 7. That as used in this Act the term "interstate employment business" means the business of securing work to be performed outside the State where the business is carried on and which involves the transportation of the workman from one State to another.

IX

SELECT BIBLIOGRAPHY ON UNEMPLOYMENT

BRIEF LIST OF REFERENCES
ON
UNEMPLOYMENT, EMPLOYMENT EXCHANGES AND
UNEMPLOYMENT INSURANCE
Prepared by the
AMERICAN ASSOCIATION FOR LABOR LEGISLATION
UNITED STATES BUREAU OF LABOR STATISTICS
LIBRARY OF CONGRESS

SELECT BIBLIOGRAPHY ON UNEMPLOYMENT

This select list of titles is here printed in the hope that it may be found immediately useful by the growing numbers of Americans who now realize as never before that there exists in this country a permanent and demoralizing problem of unemployment. Effort has been made to present only those works which will most readily put the American seeker after information in touch with the latest facts and the best thought upon the various phases of the problem.

Additions will be made to the list during the year. Copies of all publications on the subject are therefore urgently solicited in order that from this beginning there may be prepared a comprehensive bibliography, conveniently arranged and classified and fully annotated, for the guidance of all who wish to make future work more effective.

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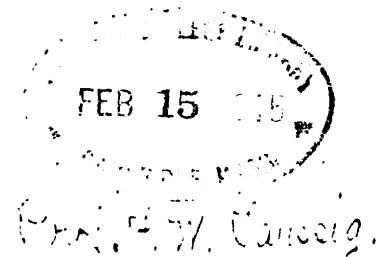
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INTRODUCTORY NOTE

Despite the small number of states which held legislative sessions this year, several labor measures of extreme importance were enacted.

Noteworthy among these, as marking renewed determination to grapple scientifically with one of the most pressing problems of industrial maladjustment, is the New York law establishing a state-wide system of free employment bureaus within the department of labor. Because of its extreme importance this measure, together with a New York city ordinance of about the same date establishing a municipal employment bureau, was printed in full in the Unemployment number of this *REVIEW*, for May, 1914.

New workmen's compensation laws were enacted in New York, Maryland, Kentucky and Louisiana, and several amendments were passed by other states—notably by Massachusetts—liberalizing the provisions of their existing compensation codes. Massachusetts also continued its preparation for other forms of social insurance by initiating a study of old age and its relation to dependency. By adopting carefully drawn measures for the prevention of compressed air illness and of lead poisoning, New Jersey took an advanced stand in the campaign for occupational hygiene.

No fewer than eleven states dealt with child labor. Progress was made toward more complete reporting of industrial accidents and of occupational diseases, and attention was given to the shortening of men's hours and the establishment of rest days both in public and in private employment.

Of more than ordinary interest is the section of the new federal antitrust law which prevents the use of the Sherman act against trade unions, on the ground that "the labor of a human being is not a commodity or article of commerce". The issuance of injunctions in labor disputes was regulated by Massachusetts and by Congress, which in addition established an eight-hour day for female workers in the District of Columbia.

The spread of initiative and referendum laws has opened a new door to labor legislation, considerably increasing the difficulties of those who would keep abreast of events in this field. In no fewer than seven states this year initiated measures affecting labor

were submitted to popular vote. Among those which were successful are a new Arkansas child labor law adopted on September 14, and a Washington bill prohibiting the taking of fees by private employment agencies from applicants for work adopted at the general election on November 3. The 1913 Colorado "assumption of risk" law and the Nebraska workmen's compensation act of the same date, upon which referenda had been demanded, were sustained by popular vote, while the Missouri full crew law of 1913, which was similarly challenged, was repealed. Universal eight-hour day bills initiated in the three Pacific coast states were lost.

Thanks are due to Professor Ernst Freund of the University of Chicago Law School for his valuable analysis of the new laws on workmen's compensation. The main body of the work was done by Solon De Leon of the Association staff.

JOHN B. ANDREWS, *Secretary.*
American Association for Labor Legislation.

LABOR LEGISLATION OF 1914

I. ANALYSIS BY SUBJECTS AND BY STATES

The labor laws enacted by the eleven states which held regular legislative sessions in 1914, and the federal labor laws of the sixty-third Congress, second session, are analyzed below in alphabetical order by subjects and by states with chapter references to the session laws. The labor laws of the first Alaskan territorial legislature in 1913 were published too late to be included in the Review of Labor Legislation for that year, and are therefore summarized here, as are also the labor laws of Porto Rico enacted in 1914—making the first time that either of these territories has appeared in this yearly summary. In addition to the regular sittings several states held special sessions and the labor laws there enacted are also summarized in this REVIEW.

ACCIDENTS AND DISEASES

A. REPORTING

Steady progress was made in the legislative year of 1914 toward more complete records of death and disability caused by industrial accidents and occupational diseases.

a. ACCIDENTS

Two legislatures enacted legislation bearing on accident reporting—that of Alaska which included provision for reporting mine accidents in a new mine safety code, and that of Massachusetts which made accidents in gas and electric plants reportable.

Alaska.—(See "Mines", p. 439.)

Massachusetts.—Corporations, persons and municipalities engaged in the manufacture or sale of gas or electricity must, within twenty-four hours after every accident caused by these products and resulting in injury, insensibility or death of an employee or other person, report the same in writing to the newly created board of gas and

electric light commissioners. Reports must state the time, place, circumstances, and such other facts relative to the accident as the board may require. Local chiefs of police and medical examiners must also report the accidents in writing to the board, the former within twenty-four hours and the latter within seven days of receiving notice of them, and members of the board must personally investigate all cases which require investigation. (C. 742, §164. In effect, August 1, 1914.)

b. DISEASES

One state, New Jersey, added to its existing provisions for the reporting of occupational diseases by requiring as part of a comprehensive measure for sanitation in lead works and potteries, that reports be made of diseases found in the monthly medical examination of workers in those establishments (see "Factories and Workshops", p. 434.)

B. PREVENTION

a. FACTORIES AND WORKSHOPS

An important measure for the prevention of industrial incapacity in factories and workshops is the New Jersey act affording protection against occupational diseases, with special reference to lead poisoning in lead works and potteries. This measure is closely similar to that enacted in 1913 in Ohio and Pennsylvania. Four states—Louisiana, Massachusetts, New York and Virginia—gave further attention to protecting their wage-earners from fire, while Maryland passed two comprehensive laws regulating canneries and tenement workshops. Massachusetts and New York strengthened their requirements for sanitary equipment in mercantile establishments, and Virginia adopted a machine safeguard act and required proper ventilation in foundries. Sanitary conditions in food establishments were regulated in Georgia.

Georgia.—Every place occupied or used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food must be properly lighted, drained, ventilated, screened and conducted with strict regard to the health of operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the foods. The commissioner of agriculture, state veterinarian and

state chemist must publish sanitary regulations. Maximum penalty for a person or association violating any provision of the act or any regulation published thereunder, \$100. (No. 454. In effect, August 14, 1914.)

Louisiana.—Among other classes of buildings, all buildings in which persons are usually employed above the second story, in a factory, workshop, department store or mercantile establishment, must have one or more outside fire escapes as directed by the commissioner of labor, except when because of previous adequate provisions the commissioner may deem them unnecessary, in which case he must give the owner, lessee or occupant a certificate to that effect, with the reason. Detailed specifications are given for the construction and requisite strength of such fire escapes. If a fire escape cannot be erected on the outside of any building because of the refusal of adjoining owners to permit a necessary trespass, an internal fireproof means of escape must be located and erected under the direction of the commissioner of labor, and in cases where neither type of fire escape can be erected the commissioner must forbid the further occupancy of the building or part thereof for any purpose which brings it under the act. Owners intending to adapt old or erect new buildings for purposes which bring them under the act must file the plans, showing compliance with the law, with the state fire marshal, who must approve the same before work is begun. Failure to comply with the law or with any order made thereunder by the labor commissioner or the fire marshal is a misdemeanor. Penalty, \$100-\$500, or imprisonment from thirty days to twelve months, or both; and in case of death or personal injury due to failure to comply, the owner is liable for damages. (No. 171. In effect, July 17, 1914.)

Maryland.—The sanitation of factories, canneries, bakeries, confectioneries, creameries, milk plants, and distributing dairies, hotels, restaurants or eating houses, packing and slaughter houses, ice cream plants, and other places where food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold, is placed under the supervision of the state board of health. Rooms, implements and vehicles must be kept clean, separate clean toilets, and lavatories with soap, water and towels, must be provided, and sleeping in certain workrooms is forbidden. Persons suffering from contagious diseases, seventeen of which are enumer-

ated, must not knowingly work or be required or permitted to work in food establishments, except upon permit of the state board of health. Additional regulations are established for canneries. Rooms where fruits or vegetables or their by-products are packed must be provided with smooth watertight floors of concrete or wood, except when the factory is built over flowing water, when the board may permit an open floor. Wash rooms, dressing rooms and separate toilets for male and female employees must be provided, and if the canner furnishes living quarters these must be water proof, adequately lighted and ventilated, arranged to give proper privacy for the sexes, and be supplied with pure drinking water within reasonable distance; litter, waste liquids and drainage must be removed. Occupants of living quarters provided by the canner must keep them clean and sanitary. Employees may not smoke or spit in work rooms, and women employees must wear clean washable dresses or aprons and caps. Employees with infected wounds on the hands or arms must not touch food products or unsealed containers; clean cuts must be securely covered with rubber cots. The board of health may formulate, subsequent to public hearing, rules for the enforcement of the act, and before entering prosecution must notify those guilty of violation to make necessary improvements within a given time. Maximum penalty for any person, firm or corporation violating the law or failing to comply with any lawful order of the board of health, \$50 for the first offense, \$100 for the second offense, \$300 for the third offense. Maximum penalty for hindering the board or its agents, \$100 for each offense. (C. 678. In effect, July 1, 1914.) Owners of factories, workshops, manufacturing, mechanical and mercantile establishments, employing five or more persons, must register with the bureau of statistics and information, within six months after the act takes effect, their names and home addresses, the name and home address of their chief official, if a corporation, the name and address of the business, the number of employees, and other data as required by the chief of the bureau. New establishments, and those which change their location, must register within thirty days. In order to carry on in the room of a tenement or dwelling house manufacturing, altering, repairing or finishing of any article not exclusively for the use of the immediate household, a license, stating the number of persons allowed to work in such room, must be secured from the bureau of

statistics and information. The bureau must deny the license in case of contagious disease or unsanitary conditions, and must inspect the premises every six months; if disease occurs in a licensed apartment, work must cease until the local board of health certifies that the case has terminated and that the apartment has been disinfected if required by law. Licensed rooms must have at least 500 cubic feet of air space per person, and those who may work therein are limited to the immediate family, defined as husband and wife, their children, or the children of either. The foregoing provisions do not apply to the hiring of a tailor or seamstress, nor to a workshop on the ground floor, entirely separate from the rest of the building, with a separate street entrance, and not used for sleeping and cooking. Workshops for making in whole or in part articles of clothing, hats, gloves, furs, feathers, artificial flowers, purses, cigars or cigarettes, must also be licensed. The license must state the maximum number of persons who may be employed therein, and shall be issued only if fire escape, toilet, and all other health and safety laws have been complied with, and if 500 cubic feet of air space are provided for every employee. A register must be kept of the names and addresses of persons taking out work, and goods given out must be labeled with the name and address of the manufacturer; work must be sent only to licensed workrooms. Licenses may be revoked for failure to comply with the conditions under which they were granted, for violation of the law, or if the health of the community or of the persons employed thereunder requires it. Penalty for hindering an inspector or untruthfully answering questions in relation to tenement workrooms, \$5-\$50 for each offense. Penalty for any person, firm or corporation working or employing others to work in violation of the provisions of the act, refusing information and access to the authorities, or refusing to secure a license, \$5-\$100, imprisonment for ten days to one year, or both. (C. 779. In effect, April 16, 1914.) It is unlawful to cause or permit any person, whether employee or member of the firm, to stand or sit on a cigar mould while it is in use. (C. 81. In effect, March 17, 1914.)

Massachusetts.—The law forbidding the fastening during work hours of doors in any building where operatives are employed is amended by establishing for any person having charge of any such building or any room thereof, any exit door of which shall be found to be unlawfully fastened, a penalty of \$25-\$500, or imprisonment

for not more than one year, or both. (C. 566. In effect, June 21, 1914.) The requirements for toilets are rewritten, and now apply to all factories, workshops, manufacturing, mechanical, mercantile, and other establishments, regardless of the number, age or sex of the employees. Washing facilities are also required, and, as well as the water closets, must be constructed and maintained according to the rules of the board of labor and industries. In places where sewer connection is impossible, the board must decide upon suitable arrangements. The board is given power to make rules for the ventilation, cleanliness and sanitation of the establishments above listed. (C. 328. In effect, May 8, 1914.) The law requiring medical and surgical chests in factories and machine shops is amended to require such a chest in every mercantile establishment where twenty or more women or children are employed. The board of labor and industries is given power to determine the contents of both types of chests. The penalty remains \$5-\$500 for every week during which a violation occurs. (C. 557. In effect, June 21, 1914.)

New Jersey.—Every employer is required to provide, without cost to the employees, reasonably effective devices, means and methods to prevent illness or disease incident to the work or process in which the employees are engaged. In addition, specific regulations are made to protect those employed in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluo-silicate, and also those employed in the manufacture of pottery, tiles, or porcelain enameled sanitary ware. Workrooms must be adequately lighted and ventilated; separate rooms must be provided for the dusty processes with floors which permit of daily cleaning by wet methods or by vacuum cleaners; vessels or receptacles for crushing, mixing or melting lead or lead salts, and all drying pans, conveyors, elevators, chutes, etc., must be equipped with hoods and air exhausts or with adequate dust removers or collectors, which must be so arranged as not to endanger other employees or those having charge of the dust collectors. Washing facilities, including hot and cold water, soap, brushes and towels are required, as well as separate dressing rooms, eating rooms, drinking fountains, lockers, respirators, and two suits of working clothes. In the manufacture of lead salts the employer must provide shower baths. At least ten minutes, on the employer's time, must be allowed each employee

before lunch and at closing time for use of the wash room, and an additional ten minutes twice a week for use of the shower baths in establishments where these are required; it is specifically made the duty of the employee to use these facilities for cleanliness. Every employee exposed to lead dusts, fumes or solutions, must be examined medically at least once a month by a physician paid by the employer; if lead poisoning symptoms are found, triplicate reports must be filed within forty-eight hours with the department of labor, with the board of health, and with the employer, who may not employ that man in any place where he will be exposed to lead dusts, fumes or solutions without a written permit from a licensed physician. Adequate notices must be conspicuously posted, stating, in English and in such other languages as circumstances may require, the dangers of the work and instructions for avoiding them. The commissioner of labor is to enforce the act. Penalty for an employer who violates the provisions for safety and hygienic appliances, \$50 for the first offense, \$100 for the second offense, \$300 for each subsequent offense; for an employer who violates the provisions for the making and reporting of medical examinations, \$50 for each offense. Penalty for an employee who fails to use the hygienic facilities, \$10 for the first offense, \$25 for each subsequent offense; for an employee who fails to submit himself to the medical examination, \$10 for each offense. (C. 162. In effect, as to the general provisions, October 1, 1914; the provisions requiring expensive machinery and extensive changes in building construction go fully into effect one and two years later.)

New York.—Power houses, generating plants, barns, storage houses, sheds and other structures "owned or operated by a public service corporation" (instead of "used in connection with railroad purposes" as before) subject to the jurisdiction of the public service commission, except construction or repair shops, are excluded from the definition of the term "factory" as used in the labor law. (C. 512. In effect, April 23, 1914.) Exterior fire escapes may be used on existing factory buildings of five stories or less only when in the opinion of the industrial board such fire escapes are safe. The requirements for enclosing interior stairways now apply only in buildings of more than five (instead of more than four) stories, but the board may adopt rules for the enclosing of such stairways in buildings of five stories or less in particular cases. The requirement for metal window frames and sash in windows opening on existing

outside fire escapes is modified to permit frames and sash covered with metal. (C. 182. In effect, April 7, 1914.) The duties of the fire commissioner under the charter of Greater New York are amended to include the prevention of danger to and loss of life and property from fire. The fire commissioner must also enforce in factories within the city any law or ordinance, or rule or regulation of the industrial board, with regard to fires or fire prevention, except those relating to exits, and in cases where such provision is not otherwise made, may compel periodical fire drills in all places where persons work, live or congregate, except tenement houses. (C. 459. In effect, April 20, 1914.) Self-closing gates at elevator well-holes in factories must hereafter be of suitable height, instead of not less than six feet high, as formerly. Openings leading to outside fire escapes may now have frames covered with metal, as well as metal frames. The erection of fire escapes on buildings of five stories or less constructed before October 1, 1913, is governed by the requirements established in 1913 for fire escapes in existence at the time the act was passed. "The person operating" each factory, instead of the "owner, agent or lessee" is made responsible for ventilation, heating and humidity, and for dressing or emergency rooms where women are employed. Suitable ducts as well as windows may lead from water closets to the outer air. (C. 366. In effect, April 15, 1914.) The requirements for sanitation in mercantile establishments are rewritten. Rooms and the floor, walls, ceilings, windows and other parts thereof and the fixtures therein must at all times be kept clean and sanitary. Floors must be kept safe, and sanitary receptacles must be provided for waste and refuse. All parts of the building, and the premises and passageways connected with it, must be kept free of dirt or filth; plumbing must be kept in repair. There must be a sufficient supply of clean and pure drinking water, and receptacles for the same must be properly covered and frequently cleaned. Adequately ventilated, heated and lighted wash rooms, separate for each sex when so required by the industrial board, must be provided, and where more than five women are employed there must be adequate dressing rooms; if more than ten women are employed, the dressing rooms must have sixty square feet of floor space and at least one window opening to the outer air. There must be a sufficient number of suitable and convenient water closets, maintained inside the establishment except where in

the opinion of the commissioner of labor it is impracticable to do so. Toilets for women must be separate and for their exclusive use, and must be so marked. Entrances must be screened from view by a partition or vestibule, and the use of curtains for this purpose is prohibited. The use of any trough water closet, latrine or school sink in any mercantile establishment is prohibited except such fixtures in existence on October 1, 1914, having a common flushing system and approved by the industrial board; but all such fixtures must be removed by October 1, 1915, and the place where they were located properly disinfected. Rules are made for the installation, plumbing, lighting, ventilation and maintenance of new toilet equipment. Mercantile establishments must be provided with sufficient ventilation, by natural or mechanical means or both, and proper temperature and humidity must be maintained during working hours, for all of which the industrial board must make rules and fix standards. (C. 183. In effect, October 1, 1914.) The factory investigating commission appointed in 1911 is continued with the same powers, and must report to the legislature not later than February 15, 1915. An additional appropriation of \$50,000 is granted it. (C. 110. In effect, April 3, 1914.) The charter of Greater New York is amended to empower the board of estimate and apportionment to appropriate annually \$50,000 for the American Museum of Safety, upon condition that the museum be kept open free to the public each week for five days (one of which shall be Sunday afternoon) and two evenings, and that on the remaining two days of each week it shall be open to students, schools and societies organized for promoting safety and sanitation. The museum must also between October and July each year publish and distribute among schools designated by the commissioners of education and of labor manuals and reading lectures on safety and hygiene. (C. 466. In effect, April 20, 1914.)

Virginia.—In factories, shops and manufacturing establishments where more than twenty-five are employed, proper and substantial hand rails must be provided on stairways; if women are employed, stairs must be properly screened at sides and bottom; doors must open outwardly, and must not be locked or fastened during working hours, but after sufficient means of egress are provided the owner may, in the discretion of the commissioner of labor, subject to appeal, erect additional sliding doors. The owner or person in charge

must "in the discretion of the commissioner" provide belt shifters; "whenever practicable" machinery must be provided with loose pulleys; vats, elevators, saws, planers, cogs, shafting, belting, etc., must be properly guarded and no person may remove guards except for purposes of repair. The commissioner may prohibit the use of any dangerous or unguarded machine, and attach thereto a notice to that effect, if the machine is not made safe after ten days' notice. "When in the opinion of the commissioner of labor it is necessary," the workrooms, halls and stairs leading to the workrooms must be properly lighted; "if deemed necessary by the commissioner of labor," in cities of the first class, proper lights must be kept burning while the building is open on every working day of the year, except when the natural light makes artificial light unnecessary; such lights must be independent of the motive power of the factory. Within five days of any ruling or order by the commissioner of labor, appeal may be had to the circuit or corporation court in which the building is located. Penalty for any person or corporation, \$5-\$10 for each day's failure to comply with any provision of the act. (C. 16. In effect, June 18, 1914.) The act requiring toilet accommodations in factories, workshops, mercantile establishments and offices is amended to require separate accommodations for the sexes where one or more (instead of two or more) of each sex are employed together. Mercantile establishments where separate accommodations are "within reasonable reach" are no longer exempted from this provision. The application of the law to stores and offices in cities and towns of 5,000 inhabitants or less is left to the discretion of the commissioner of labor. The penalty remains \$5-\$25 for each day's violation. (C. 286. In effect, June 18, 1914.) Persons, firms or corporations employing men to work in a foundry or moulding shop must provide in each workroom thereof, within thirty days after notification by the commissioner of labor or other proper officer, sufficient means of ventilation. Penalty, \$10 for each day's violation after thirty days' notice. (C. 333. In effect, June 18, 1914.)

b. MINES

Three states and the territory of Alaska legislated upon the subject of safety in mines, Kentucky going furthest and enacting an entire new mine code. Maryland appointed a commission to inves-

tigate and report an adequate protective law. In Ohio additional provisions for mine safety were made, under control of the industrial commission. Alaska appointed a territorial mine inspector, and also passed a law limiting hours in mines and related processes which is analyzed under "Hours" (see p. 470).

Alaska.—Before April 1, 1914, the governor must appoint as territorial inspector of mines, under the supervision of the federal inspectors of mines, for two years at \$2,500 a year and expenses, a citizen of the United States who has been a resident of the territory for three years, who is theoretically and practically acquainted with mining, and who shall not while inspector be an employee or officer of any company or corporation. The inspector has jurisdiction only over mines in which six or more persons are employed. Within the mining sections assigned to him, he must after examination serve written notice of unsafe conditions upon the operators, whom he may forbid to operate the mine until his orders have been complied with. Three or more persons may file with the inspector a written complaint, which he must investigate; a certified copy of the inspector's orders thereupon is *prima facie* evidence of gross negligence on the employer's part in any action for death or injury in consequence of neglect to obey the inspector's requirements. In case of serious or fatal accident the employer must notify "in the quickest manner possible" the district mine inspector, who must if possible testify at the coroner's inquest. If the inspector cannot immediately proceed to the mine it is the duty of the employer to forward to him sworn statements of witnesses or of those first present. Detailed monthly reports are required from the inspector, who is to prosecute criminally in all cases of negligence or disobedience of his orders. Penalty, \$25-\$500, or imprisonment for ten days to six months, or both. (C. 72. In effect, July 29, 1913.)

Kentucky.—The mine safety code is entirely rewritten. The office of inspector of mines is changed to the department of mines, the inspector is made chief inspector, and his salary is continued at \$1,800 a year. The salary of the assistant inspectors is raised from \$1,200 to \$1,500; their number is not mentioned, but it apparently remains at five, who must inspect each mine in their nearly equal districts at least once every four months. The act applies only to mines employing six or more persons inside at one time. Within

twenty days of receiving written notice from an inspector that a mine has been found dangerous to health and safety, the employer must rectify the conditions, unless for cause he receives an extension of not more than forty days, at the end of which the inspector may secure an injunction forbidding the operation of the mine with more than five persons underground until it is made safe. Employers must annually file a map of their workings; if they fail, or if the chief inspector believes the map is materially incorrect, he may have a map made at the employer's expense; plans of new developments must be filed before commencing work on them. The duties of a mine superintendent are defined, among them that of maintaining a sufficient quantity of safety materials; in case of shortage he must notify the mine foreman, who must withdraw the men from the mine until the required materials are supplied. The mine foreman, who must be employed in all mines where fifteen or more persons are employed, must also watch over the ventilating apparatus, airways, traveling ways, timbering and drainage, advise every person employed of the danger incident to the work, examine for noxious or explosive gases, maintain in good order safety blocks, switches and other safety devices, report immediately all violations of the law, and make a daily report on the conditions of the mine. In gaseous mines as defined in the act one or more fire bosses must be employed, who three hours before each shift enters the mine must examine all working places and their surroundings; provision is also made for examination of non-gaseous mines. Detailed regulations are made for safety appliances in and proper maintenance of shafts, slopes and drifts, with special attention to hoisting, speaking, signaling and ventilating apparatus, drainage, and approved locked safety lamps. In coal mines usually employing ten or more persons, where explosive gases or coal dust exist in dangerous quantities, a sufficient number of men must be hired as shot firers, to set off blasting charges after the departure of all other employees, with certain exceptions. Electrical installation, storage of oils and explosives, and quality of oils used are regulated, and provision is made for stretchers and emergency supplies in accordance with the number of men employed. For the examination of mine foremen, fire bosses and assistant inspectors, a board of five is established, consisting of the chief inspector, two assistant inspectors designated by him, and a miner with five years' experience and a coal operator of the

state each appointed by the governor for two years at \$5 a day of actual service; a fee of \$2.50 is charged applicants for examination, who must have had five years' experience, be sober and of good moral character, and be residents of the state or employed in mines within the state. The board may decline to examine an applicant who is not proficient in English. An employer who is dissatisfied with the decision of an assistant inspector may appeal to the chief inspector, who must direct two or more other assistant inspectors to re-examine the matter in company with the inspector whose decision is questioned. If they agree with the original decision the employer may appeal within seven days to the circuit court of the county, which must appoint a commission of five, representing the parties concerned, to report in ten days. This report is final, unless within seven days either side files exceptions, which the court must determine and issue an order in accordance with its determination thereof. If 75 per cent of the employees in a mine are dissatisfied with an inspection, they may appeal in writing to the chief inspector, who may order another inspection by the same assistant inspector alone or with another assistant inspector, or take other action. Employers must furnish accurate scales for weighing coal; complaints must be referred to the county inspector of weights and measures. Employers may establish special mine rules not in conflict with the act; but all such rules must be approved in writing by the chief inspector, printed in the language spoken by ten or more employees, conspicuously posted, and supplied to any employee upon request. Penalty for failure to comply with the inspector's orders, \$50 for each day. Maximum penalty for failing to leave a mine during shot firing, \$50. Penalty for acting as a mine foreman or fire boss without certificate, or for employing one so to act, \$100-\$200. Penalty for refusing to rectify scales upon order of the county inspector, \$5-\$50. Maximum penalty for committing any act endangering life, health, mine or machinery, or for violating any provision of the act for which no other penalty has been established, \$200. (C. 79. In effect, June 15, 1914.)

Maryland.—An unsalaried commission of three men, named in the act, is appointed to report by January 1, 1916, recommendations and a bill for the protection of the lives and health of miners. (C. 460. In effect, April 13, 1914.)

Ohio.—At mines employing ten or more persons, the requirement of a stretcher, a woolen and a waterproof blanket, bandages and linen, and a double supply if over 200 are employed, is changed to require one such supply for every thirty-five men, and such other requisites as the industrial commission may order. All supplies must be kept dry, sanitary and ready for use, by the mine foreman. (H. B. 12. In effect, February 17, 1914.) It is forbidden to cause or permit solid shooting in coal mines without a permit from the industrial commission. The commission may issue such permit upon application by the employer and a majority of the miners, if this method of blasting is necessary for the reasonably profitable operation of the mine, and may revoke any permit after sixty days' written notice. Maximum penalty, \$100. (H. B. 10. In effect, February 17, 1914.)

c. RAILROADS AND STREETCARS

Railroad safety legislation this year deals with full crew requirements (Mississippi), repair sheds and warning boards (South Carolina), and headlights and caboose regulations (Virginia). Two Louisiana acts provide for enclosed vestibules and a period of training for crews on streetcars. Legislation on hours and rest days for various classes of railroad workers in two states are analyzed under "Hours" (p. 471.)

Louisiana.—It is made unlawful to require or permit the operation between September 1 and May 1 of any electric street railway car both ends of which are not protected by a solid vestibule. Maximum penalty for the officer or manager of any corporation, or any person or receiver, \$300, or six months' imprisonment, or both, for each day's violation. (No. 16. In effect, September 1, 1914.) Except during strikes, no person may act as motorman or conductor on an electric street railway without having first received ten (in cities of less than 25,000, five) days' instruction and a certificate of fitness from a competent instructor, who must have worked in like capacity for the company for at least one year. The act does not apply to bona fide experienced qualified persons possessing written evidence of qualification from previous employers. Penalty, \$10-\$100, or not more than thirty days' imprisonment, or both. (No. 150. In effect, July 17, 1914.)

Missouri.—The full crew law of 1913 was referred to the people and repealed by popular vote.

Mississippi.—It is made unlawful for any steam railroad over fifty miles in length to run or to permit to be run over its lines outside of yard limits any passenger, mail or express train carrying passengers which is not manned with a crew consisting of one engineer, one fireman, one conductor, one brakeman or porter, and one flagman. Exception is made for cases of disaster or disability of any member of the crew occurring between division terminals, and for relief or wrecking trains where men are not available. Penalty, \$100-\$1,000 for each offense. (C. 170. In effect, March 5, 1914.)

South Carolina.—Railroads over twenty miles in length, having shops at division points within the state, where cars are taken out of trains for repair or construction or where other railroad equipment is made or repaired, must furnish a building with a sufficient roof over the repair tracks to protect the men from snow, sleet, hot sunshine or other inclement weather. The railroad commission must after a public hearing direct the location and character of the sheds. Penalty for any railroad, \$50 for every day's violation. (C. 403. In effect, July 1, 1914.) Every company, lessee, manager or receiver owning or operating a railroad within the state is required to place, within one year, warning boards one mile from all stations, drawbridges and where railroads cross at grade; the boards must describe the place of danger in letters large enough to be clearly seen from the engine, and must be not more than eight feet from the side of the track. Penalty for any railroad company, receiver or lessee failing to comply with the act or to re-erect any warning board after ten days' written notice, \$5 for every day's continuance of the violation, one-half to go to the person bringing the action, the other half to go to the county. (C. 401. In effect, March 11, 1914.)

Virginia.—Locomotives on standard gauge railroads whose main line is over thirty miles in length, operated as common carriers, must be equipped with electric or other headlights of 500 candle-power with the aid of a reflector. One-third of the locomotives not so equipped must be equipped six months after the passage of the act, and the remainder six months later. In case of unavoidable accident to the headlight between terminals, the train may proceed to its next terminal. Prosecutions may be made by the state's attorney. Penalty for any railroad company, corporation, or the re-

ceiver or lessees thereof, \$25-\$100 for the illegal use of each locomotive for each day or part of a day. (C. 89. In effect, June 18, 1914.) The law regulating caboose cars is entirely rewritten. It is made unlawful for any railroad company, corporation, firm, individual, receiver or trustee operating a standard gauge railroad over thirty miles in length as a common carrier, to run or permit to be run over its tracks (except in yard limits, in transfer service, in cases of emergency, and in connection with light engines) any train except a passenger train without having attached thereto a caboose car. Caboose cars must be twenty-one feet in length (exclusive of platforms, which must be two feet wide), and must have a door in either end, six windows in the body, two four-wheeled trucks, an emergency brake valve, and a cupola with eight windows; the caboose must have the resistance strength, if pusher engines are used, of a 100,000-pound capacity freight car; otherwise, of a 60,000-pound capacity car. Cabooses brought in for repairs must not be put again into service until equipped as provided. Annually after July 1, 1914, railroads must equip 10 per cent of their caboose cars in use but not properly equipped on that date; but the state corporation commission may grant a reasonable extension of time. The act does not apply to railroads neither of whose terminals is within the state. Prosecutions must be made by the state's attorney. Penalty for a railroad company, corporation, firm, individual, receiver or trustee, \$100 for each offense. (C. 87. In effect, March 13, 1914.)

d. MISCELLANEOUS INDUSTRIES

One of the notable pieces of labor legislation of the year is the law for the protection of workers in compressed air enacted in New Jersey, the second state in the union to adopt such a measure. Working and resting periods, and periods of decompression, are regulated, and detailed attention is given to safety equipment. Massachusetts adopted rules for the use of ammonia compressors and compressed air tanks.

Massachusetts.—Ammonia compressors must be equipped with safety valves, for which the board of boiler rules must formulate specifications. The boiler inspection department of the district police must enforce the act. Penalty for persons, firms and corporations, \$10-\$300, or imprisonment for not more than three months. "A trial justice shall have jurisdiction of complaints for viola-

tions . . . and in such cases may impose a fine of not more than \$50." (C. 467. In effect, June 1, 1914.) The law governing compressed air tanks is rewritten. No person may install or use any tank or other receptacle (except pipes laid from tanks and other receptacles and those attached to locomotives, street or railway cars, vessels or motor vehicles) for the storing of compressed air at more than fifty pounds' pressure to the square inch for use in pneumatic machinery, unless such person has either a certificate of inspection within two years from the boiler inspection department of the district police, or an insurance policy on the tank and also a certificate of inspection by an insurance inspector certified as competent by said department. The board of boiler rules must regulate the size, shape, construction, maximum pressure, gauges and other appurtenances necessary for the safe operation of all receptacles covered by the act, and the boiler inspection department of the district police must inspect every two years those having a pressure of over fifty pounds except those covered by insurance inspection as already provided; owners of receptacles with a pressure of over fifty pounds must notify the chief of the district police of their location. Insurance companies must within fourteen days forward to the chief of the district police the results of inspections and all rules made regarding the receptacle inspected. The inspection must consist of a hammer test, and, if required by the inspector, a hydrostatic test at one and one-half times the pressure allowed on the receptacle; a fee of \$3 must be paid for each inspection by the district police. Maximum penalty for violating any provision of the act or any regulation made thereunder, \$50, or thirty days' imprisonment, or both. (C. 649. In effect, June 9, 1914.)

New Jersey.—Every tunnel, caisson, compartment or place where persons are employed in compressed air must be so equipped and operated as to provide such protection as the nature of the employment will reasonably permit. The employer must install in each tunnel and caisson an air gauge, and in each air lock an air gauge and a timepiece, in charge of a competent person who may not work more than eight hours in any twenty-four. He must also provide two air pipes connected with each work place, a suitable iron ladder and electric lights in each shaft, a properly heated, lighted and ventilated dressing room, always open, with benches, lockers, hot and cold showers, and sanitary water closets, and a separate room

for drying clothes. If the maximum air pressure above normal exceeds seventeen pounds, a properly heated, lighted and ventilated double compartment hospital lock is required, at least six feet high, equipped with inside and outside air gauges and time-pieces, telephone, benches and medical equipment. Caissons may not be hung so that the bottom of the excavation is more than four feet below the cutting edge of the caisson; all equipment must be inspected daily. One or more licensed physicians must be in attendance at all necessary times, and if the maximum air pressure exceeds seventeen pounds, one or more registered nurses or other persons certified by the medical officer must be employed. All persons applying for work in compressed air must be physically examined and those not qualified and those addicted to the excessive use of intoxicants must not be employed. In his first twenty-four hours a new man may work only half the regular time, and if the pressure exceeds fifteen pounds he may not return to work until reexamined. Examinations must be repeated after three months' continuous work, and on returning after ten days' absence; a detailed record of each examination must be kept. Daily working hours must be divided into two equal periods, and are regulated in accordance with the following scale:

If the pressure exceeds:	But does not exceed:	Number of hours' work in 24	Interval between working periods
Normal	21 pounds	8 hours	½ hour
21 pounds	30 "	6 "	1 "
30 "	35 "	4 "	2 hours
35 "	40 "	3 "	3 "
40 "	45 "	2 "	4 "
45 "	50 "	1½ "	5 "

No work is allowed in pressure over fifty pounds except in cases of emergency. No person may pass from compressed air to normal pressure without going through a period of decompression. In tunnels decompression may be at the rate of three pounds every two minutes, unless the pressure is over thirty-six pounds, when it may be only one pound a minute. In caissons a more rapid rate is permitted:

If the pressure exceeds:	But does not exceed:	Time required for decompression:
Normal	10 pounds	1 minute
10 pounds	15 "	2 minutes
15 "	20 "	5 "
20 "	25 "	10 "
25 "	30 "	12 "
30 "	36 "	15 "
36 "	40 "	20 "
40 "	50 "	25 "

The commissioner of labor is to enforce the act. Penalty, \$50 for the first offense, \$100 for the second offense, \$300 for subsequent offenses. (C. 121. In effect, July 1, 1914.)

ADMINISTRATION OF LABOR LAWS

Seven states dealt with machinery for more efficient administration of their labor laws. Louisiana, Mississippi, and New York provided for additional inspectors in connection with child labor. The federal government created a special inspection staff for the enforcement of its new law regulating woman's work in the District of Columbia. No changes from the old style of labor department to the commission form are recorded this year, but special commissions or boards to administer workmen's compensation laws were created in three states—Kentucky, Maryland and New York. Salary increases took place in Maryland and in a number of other states, and the board of labor and industries in Massachusetts was authorized to compel employers to post notices issued by it.

Louisiana.—The bureau of labor and industrial statistics is reorganized, under the name of bureau of labor. The commissioner of labor, whose salary is increased from \$1,500 to \$2,000 annually, is still appointed by the governor with the consent of the senate for four years, and the governor designates the headquarters. The commissioner must appoint with the consent of the governor for four years at \$1,500 annually two assistant commissioners of labor, who must be residents of different sections of the state from each other and from the commissioner, and must employ a secretary at \$1,000 a year. The commissioner and his assistants must inspect "manufacturing establishments, workshops, mills, mercantile establishments, factories and other places where industrial work is being done," and must prosecute all violations of the labor laws. General statistical reports must be made to the governor annually, and reports on labor disturbances as soon as possible after inquiry. The sum of \$500 for office expenses and \$2,000 for traveling and other expenses is allowed annually. The consent of the city council is no longer necessary for the mayor's appointment of a factory inspector for New Orleans. Penalty for interfering with the commissioner or his assistants remains (except for the fine) as before: \$10-\$50 (formerly \$5-\$25), or imprisonment for five to twenty-five days, or both. (No. 186. In effect, July 20, 1914.)

Maryland.—The yearly salary of the inspector of female labor is increased from \$800 to \$1,200, and of the two assistant inspectors

of female labor, from \$600 to \$800. (C. 382. In effect, May 1, 1914.) The fifty-cent fee to county physicians for issuing medical certificates to children applying for working papers is to be paid by the state bureau of labor statistics instead of by the county commissioners. The child labor staff of the bureau of statistics is changed from eight inspectors at \$900 each, to seven inspectors at \$1,000 each and one officer to issue employment certificates at \$1,200; and the annual appropriation is increased from \$12,000 to \$17,000. (C. 840. In effect, June 1, 1914.)

Massachusetts.—The board of labor and industries may require employers to post conspicuously any notices it issues for the information of employees. (C. 263. In effect, March 31, 1914.) A total of 3,500 copies of the annual report of the board of labor and industries must be printed, of which 2,500 shall be delivered to the board for distribution; of these, 500 copies must be cloth bound. (C. 533, In effect, May 16, 1914.) The commissioner of labor must present to the legislature during the present session if possible and not later than the second Wednesday in January, 1915, a compilation of the state laws relating to labor, calling attention to any changes that should be made. (Resolves, C. 36. In effect, May 8, 1914.)

Mississippi.—The state board of health must appoint as factory inspector at \$1,500 a year a person having "competent knowledge of factories and capable of performing the duties prescribed," who will have jurisdiction over all factories and canneries where women and children are employed. The inspector must give a \$3,000 bond for the faithful performance of his duties, and must inspect all establishments under his jurisdiction at least three times each year. He must report annually the number of establishments under his jurisdiction, the number of employees, the number of inspections, the number of violations found and the disposition of each, and such other information as is found valuable and necessary, and must enforce the laws with the assistance of the county or district attorneys. The inspector must register each year all manufacturing establishments employing five or more persons, charging a registration fee of \$10-\$200 according to the average number of employees in the regular or busy season, and must by the fifth day of each month report and turn over the fees for all such registrations. All establishments covered by the act must report to the inspector, on blanks furnished by him within thirty days of July 1

each year, the officers, character and location of business, number of male, female and child employees, number of hours per week, description of buildings and equipment, number of floors, elevators, boilers and fire escapes, and such other information as the inspector may require. Penalty for hindering the inspector, \$10-\$100. Penalty for failing to fill out report blank by October 1 or within sixty days of having been notified to do so, \$25. (C. 163. In effect, May 1, 1914.)

New Jersey.—In connection with the amendment prohibiting the labor of children under fourteen in mines and quarries, the commissioner of labor is directed to appoint, under civil service, an additional inspector skilled in mine and quarry work, whose salary, duties and powers are to be the same as those of the other inspectors in the department. (C. 236. In effect, April 17, 1914.) The title of the bureau of statistics of labor and industries is changed to bureau of industrial statistics, and the titles of the chief and the deputy chief are changed to director and assistant director. (C. 156. In effect, April 14, 1914.)

New York.—The annual salary of the chief mercantile inspector is increased from \$3,000 to \$4,000. (C. 333. In effect, April 14, 1914.) The charter of Greater New York is amended to establish within the board of education a bureau of compulsory education, attendance officers of which must in addition to their other work perform such duties in connection with the employment of children under the labor law as the director of the bureau or the board of education may prescribe. (C. 479. In effect, May 1, 1914.)

Virginia.—The clause which prevented the commissioner of labor and industrial statistics from making inspections until he had reason to believe from previous testimony that the labor laws were being violated or evaded, is repealed. The commissioner is designated "chief factory inspector," and he must enforce all laws relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions; he may appoint an assistant chief factory inspector and such other deputy factory inspectors as may be necessary, and must report to the governor on September 15, annually. The state's attorneys in counties and cities must prosecute violations called to their attention by the factory inspectors. (C. 321. In effect, June 18, 1914.)

United States.—(See "Woman's Work," p. 494.)

CHILD LABOR

Eleven states, or about three-quarters of those in which legislation was passed this year, took action on child labor. No fewer than five of these—Arkansas, Georgia, Kentucky, Mississippi and Virginia—passed entirely new codes, the general trend of which was to raise the minimum ages for any employment and for specially hazardous occupations, to reduce hours, to prohibit night work and to raise requirements for the issuance of employment certificates. The same objects were sought by amendments to the existing codes in several other states, notably Louisiana, New Jersey and New York. Arkansas, in its new law, gives the state board of health power to extend, subject to court appeal, the list of dangerous or unhealthful occupations prohibited to children under sixteen, while a New Jersey amendment confers similar powers upon the commissioner of labor. Backward steps were taken in Maryland, where the minimum age for newsboys was reduced from twelve to ten years, and in Mississippi, where the maximum hours of work in cotton mills for boys of fourteen and girls of sixteen were increased from eight to ten a day.

Arkansas.—The child labor law is entirely rewritten. Children under fourteen may not be employed or permitted to work, except during vacation in occupations owned or controlled by their parents or guardians. Children under sixteen may not be employed unless they have passed four yearly school grades or the equivalent, nor in any occupation dangerous to life, limb, health or morals. A long list of such occupations is specified, including work in saloons, theatres and bowling alleys, adjusting or sewing machine belts, oiling or cleaning machinery, operating a number of dangerous machines, processes using harmful chemicals or producing dust in injurious quantities, scaffolding, heavy work in the building trades, and work in mines, quarries or coke ovens; and the state board of health may after due hearing extend the list, subject to appeal to the state or county court. Children under sixteen may not be employed for more than eight hours a day, nor for more than six days or forty-eight hours a week, nor before 6 a. m. or after 7 p. m. Children between sixteen and eighteen may not be employed for more than ten hours a day, nor for more than six days or fifty-four hours a

week, nor before 6 a. m. or after 10 p. m. Employers of children under sixteen must keep on file accessible to the proper official an employment certificate for each such child, issued by the local school authorities or the commissioner of labor and statistics or some person authorized by them. The certificate must show the date of its issuance and the name, sex, date and place of birth and place of residence of the child, must contain a statement of the proof of age accepted, and must certify that the child who signed the certificate appeared before the issuing officer, who must approve and file the documentary evidence of age and education and examine the child. No person may issue a certificate to a child then in or about to enter his employment or the employment of a firm or corporation of which he is a member, officer or employee. Nothing in the act is to prevent children of any age from receiving industrial education approved by the proper authorities. The commissioner of labor and statistics, factory inspectors, mine inspectors, agents of the humane society, probation officers, truant officers and other authorized inspectors must enforce the act, and must report to the school authorities any cases of children discharged for illegal employment; truant officers must report the same to the commissioner of labor and statistics; but "this act shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints." All fines collected for violation of the act are to be paid into the building fund of the school district in which the offense was committed. Penalty for any person, firm, corporation, signer of any certificate or affidavit called for by the act or any parent or guardian, who employs or permits the illegal employment of a child, \$5-\$100. (Initiative Act No. 1. In effect, January 1, 1915.)

Georgia.—The child labor law is rewritten. Children under fourteen years of age may not be employed or permitted to work in or about any mill, factory, laundry, manufacturing establishment or place of amusement, except that children over twelve who have widowed mothers dependent on them for support or orphans of like age who are dependent upon their own labor for support may work in such establishments upon receipt of a certificate, renewable every six months, from a committee composed of the county school superintendent, the ordinary of the county where the work is to be done, and the head of the school district, to the effect that such conditions exist; and the committee may prescribe, as a condition

for the issuance of a certificate, school attendance for such length of time and at such time as it deems wise. Children under fourteen and a half years of age may not be employed in the establishments named before 6 a. m. nor after 7 p. m., nor unless the employer files accessible to the enforcing authority a certificate from the local school superintendent that the child is not less than fourteen years old and has attended school for not less than twelve weeks of the preceding twelve months. The certificate must also state the name, date and place of birth of the child, name and address of parent or guardian, and that the child has appeared before the issuing officer and that satisfactory evidence of legal age has been submitted. A duplicate copy of each certificate must be filed within four days with the commissioner of labor, who may revoke any certificate improperly issued. The commissioner of labor is to enforce the act. Any person, agent or representative of any firm, any parent or guardian, any school superintendent, or any person furnishing evidence in connection with the employment certificate, who employs or permits the employment of any child illegally, is guilty of a misdemeanor "and shall be punished accordingly." (No. 426. In effect, January 1, 1915.) After fourteen years from the passage of the new act providing for the registration of vital statistics, certified copies of birth registration certificates must be required by factory inspectors and employers as *prima facie* evidence of age, and no other proof is to be required from children born in the state or in states which have essentially identical registration laws. If these certificates cannot be secured, any competent evidence may be accepted as secondary proof. (No. 466, §17. In effect, August 17, 1914.)

Kentucky.—The child labor law is entirely rewritten. No child under fourteen years of age may be employed, permitted or suffered to work in or in connection with any factory, mill or workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theatre, or motion picture establishment, nor in the distribution or transmission of merchandise or messages, nor during the school term. No child between fourteen and sixteen may be employed in the places enumerated unless an employment certificate is filed with the employer, who must also keep two complete lists of all such children employed, one on file and one conspicuously posted near the prin-

cipal entrance; on the termination of the employment of such a child, the certificate must within two days be returned to the local school authorities who issued it. Failure of an employer to produce within ten days after demand by a labor inspector proof that a designated child is in fact over sixteen is *prima facie* evidence of illegal employment. Employment certificates may be issued only upon presentation of (1) a school record showing completion of the equivalent of five yearly grades; (2) proof of age by transcript of birth certificate, passport or baptism certificate, or, if none of these are available, a school census or affidavit of parent or guardian; (3) a written statement by the employer of intention to employ the child, giving a description of the proposed occupation; (4) a certificate by a public medical officer that the child is of normal development and able to do the work. Authorities issuing work certificates must send to the labor inspector a detailed monthly report of all certificates granted or denied. Children under sixteen years may not be employed in the places covered by the law for more than eight hours a day, nor for more than six days or forty-eight hours a week, nor between 6 p. m. and 7 a. m. The employer must conspicuously post in each room a printed notice giving the working hours of such children employed therein; the employment of any such child for a longer time than so stated is deemed a violation, and the presence of the child during working hours is *prima facie* evidence of employment. The employment of children under sixteen is forbidden in forty-eight classes of occupations involving danger from accident, occupational disease, or immoral surroundings, and the county or city health officer may extend the list. Employers of children under twenty-one are required to maintain belt shifters, and safeguards for vats, saws, gearing, belting and for all palpably dangerous machinery. Children under eighteen may not clean moving machinery. In cities of the first, second or third class messenger service between 9 p. m. and 6 a. m. is forbidden to children under twenty-one. No girl under twenty-one may be employed at any work which compels her to stand constantly. Walls and ceilings of rooms where minors are employed must be lime washed or painted when the labor inspector believes it conducive to health or cleanliness; copies of the act must be conspicuously posted. In cities of the first, second or third class street trading is forbidden for boys

under fourteen and girls under eighteen; boys between fourteen and sixteen may engage in street trades under detailed regulations for the issuance and display of badges. The state mine inspectors, assisted by truant officers, must enforce the regulations prohibiting work of children under sixteen in mines. Labor inspectors, assisted by truant officers, enforce the law in other establishments. Labor inspectors, truant officers, police officers and juvenile court probation officers must enforce the street trades regulations. Penalty for a school authority who fails to transmit the monthly report of work certificates issued or denied by him, \$5-\$25. Penalty for a person who knowingly furnishes or sells to any unlicensed minor an article to be sold, \$15-\$100 for each offense. Penalty for an employer or parent or guardian who employs or permits a child to work in violation of any provision of the act, \$15-\$50 for the first offense, \$15-\$100, or imprisonment for not more than thirty days, or both, for a second offense, and not less than \$200, or not less than thirty days' imprisonment, or both, for subsequent offenses. Penalty for continuing to employ a child illegally after notice by an authorized official, \$5-\$20 for each day. Penalty for an employer not relinquishing the work certificate within two days of the termination of employment, \$10. Penalty for false certifying in connection with the issuance of work certificates, \$10-\$50. Penalty for hindering the enforcing authorities, \$15-\$100. (C. 72. In effect, June 15, 1914.)

Louisiana.—The child labor law is amended to add hotels and restaurants to the list of places where children under the age of fourteen may not be employed, and the prohibition now applies to all establishments in the classes listed, instead of only to those in which more than five persons are employed, as formerly. Agricultural pursuits are exempted, but domestic industries are so no longer; and the prohibition is extended to "any other occupation whatsoever," instead of only to those not already enumerated "which may be deemed unhealthful or dangerous." Penalty remains \$25-\$50, or imprisonment for ten days to six months, or both. (No. 133. In effect, July 8, 1914.)

Maryland.—The child labor law is amended to permit boys ten years of age (instead of twelve years, as previously) to act as newsboys. (C. 27. In effect, March 4, 1914.)

Massachusetts.—Superintendents of schools are given power, in

cases when in their opinion the interests of the child will best be served thereby, to suspend the requirement of 130 days' school attendance after the age of thirteen as a prerequisite for an employment certificate. (C. 580. In effect, May 23, 1914.)

Mississippi.—No boy under twelve years of age and no girl under fourteen may be employed or permitted to work in a cotton or knitting mill. No boy under fourteen and no girl under sixteen (previously no boy under sixteen and no girl under eighteen) may be employed or permitted to work in such a mill more than eight hours a day or forty-eight hours a week, or be employed or detained therein between 7 p. m. and 6 a. m.; all other employees may be employed or permitted to work not more than ten hours a day or sixty hours a week. Children under sixteen may be employed, detained or permitted to work only upon presentation of an affidavit from parent or guardian stating the place and date of birth of the child, the last school attendance, the grade, the name of the school and the name of the teacher; the employer must retain such affidavits and keep a complete register of them. The sheriff must inspect each mill in his county once a month for violations of the act. The county health officer must visit all mills without previous notice twice a year or oftener if so requested by the sheriff, and report to the sheriff any unsanitary condition of the premises and any child afflicted with infectious disease or whose physical condition incapacitates it from doing the work required, and the sheriff must remove such child and order the premises put in sanitary condition. The judgment of the health officer on these matters is final. The circuit judge must specially charge the grand jury to investigate violations of the act. Penalty for any officer, manager or superintendent giving false information or refusing to obey any order of the sheriff or of the health officer, \$10-\$100. Penalty for employing a child contrary to the law, \$50-\$100, or imprisonment for ten to sixty days, or both. (C. 164. In effect, March 10, 1914.)

New Jersey.—School attendance or receipt of equivalent instruction is required of children between the ages of seven and sixteen, except those who are over fourteen who have been granted age and schooling certificates by the school authorities and are regularly and lawfully employed. Proofs of age are accepted in the following order: (1) birth certificate; (2) passport or transcript of bap-

tism certificate; (3) other documentary evidence, except the child's school record or an affidavit of parent or guardian; (4) a certificate of a medical inspector employed by the district board of education, based upon a physical examination without removal of clothing. No school exemption certificate may be issued except upon a certificate by the medical inspector that the child is of normal development and physically able to engage in any legal occupation; proficiency in school work equivalent to five yearly grades is also required. The certificate must be retained by the employer while the child is in his employ and surrendered to the supervisor of certificates within two days after the employment terminates. The official issuing a certificate must immediately send the original papers on which it was granted to the state department of labor, which must examine them and return them for filing. If the certificate has been improperly issued, the department is to notify the commissioner of education and the local board of education, which must cancel the certificate when so directed by the commissioner. Provision is made for an employer's certificate, stating particulars of the child's employment, including the weekly wages, which is to be filed within two days with the supervisor of school exemption certificates. Special age and working certificates, permitting light work such as selling newspapers, blacking shoes or running errands during the hours when school is not in session, but not before 6 a. m. or after 7 p. m., may be issued to children between the ages of ten and sixteen whose school standing or health will not be injured thereby, upon petition supported by proper evidence of age and of the nature of the work. This certificate is not required, however, for children in agricultural pursuits. The supervisor of certificates and a suitable number of attendance officers appointed by the board of education in each district must enforce the act. Maximum penalty for false swearing in connection with certificates, \$1,000, or three years' imprisonment with or without hard labor, or both. Maximum penalty for an employer who fails to retain the age and schooling certificate of a child in his employ or who fails to turn in the employer's certificate, \$25, or thirty days' imprisonment, or both. Penalty for employing a child contrary to the provisions for age and working certificates for light work, \$50, or imprisonment not to exceed one year, or both. Maximum penalty for a parent or guardian violating any provision of the act, \$50,

or one year's imprisonment, or both. (C. 223. In effect, July 4, 1914.) The list of establishments where children under the age of fourteen may not be employed or permitted to work is extended to include newspaper plants, printeries, commercial laundries and places where printing of any kind is carried on. Penalty for employer or for parent or guardian, \$50 for each offense. (C. 60. In effect, March 26, 1914.) The employment of children under fourteen years of age in mines and quarries is prohibited. The commissioner of labor must immediately appoint one additional inspector who shall have practical knowledge and skill in mine and quarry work, to be given the same pay and duties as other inspectors in the department, and like them to be under civil service. (C. 236. In effect, April 17, 1914.) The employment of children under sixteen is forbidden in connection with a long list of dangerous machines and poisonous processes such as those involving the handling of white or red lead, and in any process offering such exposure to excessive heat, cold, muscular exertion or other physical risk as the commissioner of labor may deem harmful to health or to future working efficiency. Children under sixteen may not be employed in the establishments listed for more than eight hours a day or forty-eight hours a week, nor between 7 p. m. and 7 a. m., nor on Sunday. An employer, parent or guardian who violates the law is declared a "disorderly person," and any place where children are habitually employed illegally is declared a "disorderly house." Penalty for a disorderly person who employs or permits children under fourteen to work in forbidden establishments, \$50, or not more than ninety days' imprisonment, or both. Maximum penalty for disorderly persons who employ children under sixteen without an age and schooling certificate, \$25, or sixty days' imprisonment, or both. Maximum penalty for disorderly persons who employ or permit children to work at forbidden machinery or processes, or who violate the regulations as to hours and Sunday work, \$50, or imprisonment for ninety days or both. Maximum penalty for failure to keep a register of children under sixteen who are employed, or for refusal to allow the proper authorities to inspect such register, \$50, or sixty days' imprisonment, or both. Maximum penalty for the "officers or agents of any corporation, the members of any firm, or any person owning, operating and managing" a business deemed to be a disorderly house within the meaning of the act, \$1,000, or three

years' imprisonment, or both. (C. 252. In effect, July 4, 1914.) The sections relating to child labor of the law regulating mercantile establishments are amended. No child under fourteen is permitted to work at any time in establishments covered by the act. For children under sixteen, hours are reduced to eight a day and forty-eight a week, and work between 7 p. m. and 7 a. m., and on Sunday, is forbidden. Such children may not be employed in a long list of occupations involving danger to health, life, limb, eyesight or hearing. Police officers and agents of incorporated societies for the protection of children from cruelty and neglect are added to the officials who may inspect for violations. Corporation officers, firm members and other employers who violate any of the provisions of the act are deemed disorderly persons, and any place where the law is habitually violated is deemed a disorderly house. Penalty for employing children under fourteen, \$50, imprisonment for not more than ninety days, or both. Maximum penalty for violating other provisions of the act, \$50, or ninety days' imprisonment, or both. Maximum penalty for keeping a disorderly house within the meaning of the act, \$1,000, or three years' imprisonment, or both. (C. 253. In effect, July 4, 1914.)

New York.—Hours of children under sixteen years of age in mercantile establishments, business or telegraph offices, restaurants, hotels, apartment houses, theatres or other places of amusement, bowling alleys, barber shops, shoe polishing establishments, or in the distribution or transmission of merchandise, articles or messages, or in the distribution or sale of articles, are reduced from nine a day and fifty-four a week to eight a day and forty-eight a week; the hour for ceasing employment in the evening is made 6 p. m. instead of 7 p. m. (C. 331. In effect, April 14, 1914.) Upon obtaining a special permit and badge, valid until the succeeding January 1, boys over twelve years of age between the close of school and 6.30 p. m., and boys over fourteen between 5.30 a. m. and 8 a. m., may be employed exclusively to distribute newspapers on routes. The permit and badge are issued by the school authorities, upon application of parent or guardian supported by proof that the child is of the required age and by a statement from the school principal that the child is attending school, is of normal development and physically fit for the work, and that the principal approves the issuance of the permit. Permits must give a personal description of

the child; badges must be worn conspicuously, are not transferable, and must be changed in color each year. (C. 21. In effect, March 5, 1914.)

Ohio.—That section of the child labor law relating to the issuance of age and schooling certificates is amended. The minimum age is raised from fourteen to fifteen for boys and to sixteen for girls; the minimum school requirement is raised from the fifth grade to the sixth grade for boys and to the seventh grade for girls. The board of education in each city school district may appoint and fix the salary of a juvenile examiner who must certify to the educational attainments of children applying for certificates; the examiner may accept in lieu of his own examination the records of any school whose standards he considers sufficiently high; in case the examiner finds by his own examination and by the school records that a child is mentally sub-normal and cannot pass the required test he may so state and the issuing officer may issue an age and schooling certificate to such a child. Office records must be kept of all facts contained in certificates issued, of the names and addresses of children to whom records are refused and the reasons for refusal, and of the schools which such children should attend. Persons authorized to issue employment certificates must send to the industrial commission monthly lists of children to whom certificates have been issued, returned or refused; the lists must also give the name and address of the prospective employer and the nature of the occupation. The child's school record and the affidavit of parent or guardian are no longer admitted as proof of age; if none of the other documentary proofs can be secured, application may be made for a physical examination by a physician employed by the board of health. Unless the records of the school physician show the child to have been previously sound in health, no age and schooling certificate may be issued without a certificate from a physician appointed by the board of education showing that the child is physically fit for employment in any legal occupation. Boys under sixteen and girls under eighteen who have not completed the sixth grade may receive special certificates permitting work during vacations. (S. B. 19. In effect, February 17, 1914.)

Virginia.—The child labor law is rewritten. In addition to factories, workshops, mines and mercantile establishments, children under the age of fourteen may not now be employed, suffered or

permitted to work in laundries, bakeries, brick or lumber yards, or during school hours or after 7 p. m. in the distribution, transmission or sale of merchandise. Children under sixteen may not be employed in the establishments and occupations listed for more than six days a week, or ten hours a day, nor between 9 p. m. and 7 a. m. Such children may be employed only upon presentation of an employment certificate; the employer must file these certificates, and must also keep two complete lists of the names and ages of all children under sixteen employed, one to be filed and one posted near the principal entrance. Within two days of termination of an employment the employer must return the certificate to the issuing official, with a statement of the reasons for the termination. Employment certificates may be issued only by a notary public, upon presentation of one of the following proofs of age, in the order named: (1) a transcript of the birth certificate; (2) a passport or transcript of a baptism certificate; (3) a school census or school record, or other documentary evidence satisfactory to the issuing officer; (4) an affidavit of the parent or guardian. In cities of 5,000 or more population by the 1910 census, children under fourteen years of age may not work as messengers for a telegraph, telephone or messenger company, and children under eighteen may not engage in such work between 10 p. and 5 a. m.; in such cities boys under ten and girls under sixteen may not distribute or sell newspapers or magazines in any street or public place. Nothing in the act applies to parents working their children in any factory, workshop, mercantile establishment, or laundry owned or operated by the parent, or to factories engaged exclusively in packing fruits and vegetables between July 1 and November 1, or to mercantile establishments in towns of less than 2,000 inhabitants or in country districts; and upon application of a parent or guardian, the circuit or corporation court may for good cause release any child between the ages of twelve and fourteen, and its parent or guardian, from the operation of the act. Any employment contrary to the provisions of the act is made *prima facie* evidence of guilt, both as to employer and as to parent or guardian. Penalty for an owner, superintendent, overseer, foreman or manager of any factory, workshop, mercantile establishment or laundry, or for a parent or guardian, \$25-\$100. (C. 339. In effect, July 1, 1914.) (See also "Woman's Work," p. 494.)

EMPLOYERS' LIABILITY, WORKMEN'S COMPENSATION AND INSURANCE

A. GENERAL LIABILITY LAWS

Laws specifically affecting employers' liability were enacted this year in Alaska, where employers in any machine or mechanical industry are made liable for injuries to employees under the rule of "comparative negligence," and in Mississippi, where the employer's defense of assumption of risk is abrogated except as to certain railroad employees.

Alaska.—Every person, association or corporation engaged in manufacturing, mining, construction, building, or other business carried on by machinery or mechanical appliances is made liable for all damages to employees which may result from the negligence of officers, agents or employees or by reason of defect or insufficiency due to negligence in the machinery, appliances or works. Contributory negligence shall not act as a bar to recovery where the negligence of the employee was slight compared with that of the employer, but damages shall be diminished by the jury in proportion to the amount of negligence attributable to the employee. No contract of employment, insurance, relief benefit or indemnity for injury or death, nor the receipt of such indemnity, shall act as a bar or defense to action; in case of judgment the employer may set off any sum contributed by him toward such indemnity, but not any sum paid by him but secured by contributions by the employee. Actions must be brought within two years, and in case of death may be maintained only if there are dependent relatives. (C. 45. In effect, July 29, 1913.)

Colorado.—The 1913 "assumption of risk" law (see Vol. III, p. 380) was sustained by popular vote. (No. 11.)

Mississippi.—In actions for personal injury or death of an employee resulting from the negligence of the employer, the employee shall not be held to have assumed the risks of his employment, except in the case of conductors or locomotive engineers in charge of unsafe cars or engines voluntarily operated by them. (C. 156. In effect, February 28, 1914.)

B. WORKMEN'S COMPENSATION AND INSURANCE

a. NEW ACTS

New workmen's compensation laws were enacted during 1914 in four states: Kentucky,¹ Louisiana,² Maryland³ and New York.⁴ Twenty-four states, or just half of those in the union, now have laws of this type. The Massachusetts law was also amended in various particulars, the principal change being the raising of the benefit rate from 50 per cent to 66½ per cent of the average weekly wages (see "Acts Supplementary to Existing Laws," p. 466). The New York act was made possible by the constitutional amendment of 1913 which nullified the effect of the decision in the Ives case, by which, in 1911, the compulsory workmen's compensation act of 1910 was declared unconstitutional. The new act was first passed in December, 1913 (C. 816, Laws 1913), before the constitutional amendment took effect, and was subsequently re-enacted and approved on March 16, 1914. The act repeals the former nullified compulsory compensation act (C. 674, Laws 1910), but not C. 352 of the laws of 1910 constituting the elective compensation act (§§205-212 of the labor law). It may be contended that §32 of the new act ("no agreement by an employee to waive his right to compensation under this chapter shall be valid") makes the application of the elective compensation plan impossible, but the term "agreement" hardly covers a consent expressly provided for by statute, and repeals by implication are not favored. Since the benefit rate under the new act is 66½ per cent, while under the elective act it is only 50 per cent of wages, the question of the continued existence of the elective act is not without importance.

Maryland repeals the purely permissive act of 1912, discussed in volume II of this REVIEW, pp. 470, 471.

Types of the Acts.—The acts of New York and Maryland are compulsory, those of Kentucky and Louisiana elective, with the familiar provisions using the abrogation or preservation (as the case may be) of the common law defenses as an inducement to

¹C. 73. In effect, January 1, 1915.

²No. 20. In effect, January 1, 1915.

³C. 800. In effect as to administrative features, April 16, 1914, as to compensation, November 1, 1914.

⁴C. 41. In effect as to administrative features, March 16, 1914, as to compensation, July 1, 1914.

employers and employees to elect to come under the law; the usual presumptions are likewise established. In Louisiana the act is practically compulsory with regard to accidents occurring within thirty days after the act takes effect or after entering into any new contract of employment; for the notice of election not to accept the act must be given (§3) thirty days prior to the accident—unless in view of the impossibility of timely notice the courts will hold that the statutory presumption does not apply in the cases indicated.

Method of Providing Fund for Compensation.—Louisiana adopts the English system of merely establishing a duty to pay compensation, leaving it to the employer to make or not make provision for satisfying eventual claims. Kentucky, on the other hand, creates a state workmen's compensation fund to which the employers subject to the act (unless they prove adequate financial resources to meet claims) are required to contribute. The claim to compensation is against the fund and the contributing employer is relieved. This is practically state insurance.

New York and Maryland impose upon the employer the duty to pay compensation, and require that he make satisfactory provision for his contingent liability. This he may do (unless of sufficient independent financial ability) by insuring in a private or mutual company or association, or by becoming contributory to a state accident or insurance fund. New York holds out a special inducement to join the state fund: the employer by joining relieves himself from personal liability, while other methods of insurance do not have this effect (§53). In Maryland he remains liable even if he insures with the state fund.

Scope of the Acts.—All the new acts apply to enumerated employments declared to be hazardous. The lists include all the important classes covered by other American compensation laws; in New York and Maryland especially the enumeration seems very exhaustive. By voluntary agreement (without any coercive presumptions or effect on defenses) other employments may obtain the benefit of the acts. In Kentucky employers having less than six employees are not subject to the law (§14). In Louisiana (§1) and in New York by an amendment (see p. 467) the act is compulsory for the state and its subdivisions.

Benefits Payable.—On the whole the acts follow the system which has been made familiar by earlier compensation acts. Fifty per

cent of wages is the rate of benefit in Kentucky, Louisiana and Maryland, while in New York (and in this year's amendments in Massachusetts) it is 66½ per cent. New York (§15) presents the anomaly of making the maximum for permanent total disability \$15 a week, while in the case of the loss of a hand, arm, foot, leg or eye, it may be \$20; the limited duration in the latter case may account for the difference. It is to be noted that neither in Kentucky nor in New York is there any limit of time or amount in case of permanent disability, while in Louisiana and Maryland, as in most other states, there is.

Kentucky (§§46, 47) provides for additional benefits by way of penalty when the employer has violated laws enacted for safety or has employed a minor contrary to law.

Controversies.—Since the law of Kentucky is practically an insurance law, claims are disposed of by the workmen's compensation board. The decision of the board is made final, except on questions "going to the basis of complainant's right" (e.g., whether the accident arose in the course of employment or not), on which questions an appeal is open to the circuit court (§52). Of course the employer has no adverse interest, and the employee by electing to come under the act is deemed to waive all causes of action against the employer by constitution, statute or common law (§29).

In New York the commission disposes of claims subject to an appeal on questions of law to the appellate division of the supreme court (§§20, 23); it should be noted that the constitutional amendment gives the legislature a free hand in the matter of the method of adjudication.

In Louisiana controversies are settled by a judge summarily (§18), and in Maryland the decision of the commission may be appealed from, and upon trial in court questions of fact are submitted to a jury (§55). This express saving of the right to jury trial is exceptional in workmen's compensation laws. We find the usual provisions that proceedings are to be informal and summary (New York §68; Maryland §55; Kentucky §53).

As regards the other details of the acts, such as waiting period, medical care, dependents, lump sum payments, computation of average wages, contractors, liability of third parties, modification of awards and submission to medical examination, notice of claim and limitation, notice of accident or injury, nullity of waiver agree-

ments, exemption of benefits from attachment, etc., the new acts present the usual features. Of particular interest and value, however, is the provision of New York, that all compensation payments are made through the commission (§25).

b. ACTS SUPPLEMENTARY TO EXISTING LAWS

Massachusetts.—Benefits are increased from 50 per cent to 66½ per cent of wages; death benefit must be paid for 500 instead of 300 weeks, but the total amount is limited to \$4,000. Medical and hospital services must be furnished not only during the first two weeks after the injury, as previously, but also from the time of incapacity if not immediately caused by the injury, and in unusual cases, in the discretion of the industrial accident board, for a longer period. The classes of total dependents in case of death are broadened to include a wife living apart from the deceased for justifiable cause or because he had deserted her, the findings of the board on such questions to be final, and children under eighteen (or over that age but physically or mentally incapacitated from earning) by a former marriage. The maximum compensation for total incapacity is raised from \$3,000 to \$4,000, and for partial incapacity the period of benefit is extended from 300 weeks to 500 weeks, with a maximum of \$4,000. When the appointment of a legal representative of a deceased employee is necessary to carry out the provisions of the act, the resulting expense must be paid in addition to compensation. Claims may be commuted to lump sum payments only if the parties agree and the board deems it for the best interests of the claimant, in which case the board must fix the sum, not to exceed the amount fixed by the act; but the board may require part or whole lump sum payment in the case of a minor permanently disabled. The board may be appealed to in case of disagreement over the continuance of payments. When a question of compensation is decided in favor of an employee by the supreme judicial court, interest to date of payment must be added to all sums due. The state fund and all insurance companies operating under the act must furnish all required information to the board, which may open branch offices in four cities selected by it; the board may appoint as medical advisor a physician whose salary it may fix, subject to approval by the governor and council, not exceeding \$4,000. Unless the insurance commissioner withdraws

approval, all insurance rates at present approved must continue to apply. (C. 708. In effect, as to amounts of compensation, October 1, 1914; as to other provisions, June 25, 1914.) The workmen's compensation act is extended to cover laborers employed by the Boston transit commission, the benefits to be included in the net cost of the work. (C. 636. In effect, June 6, 1914.) The question of electing to pay compensation to laborers, workmen and mechanics employed by the city who are injured in the course of employment, must be submitted to popular vote in the city of Brockton at the next municipal election. (C. 142. In effect, April 6, 1914.) The same must be done in the city of Chicopee (C. 278. In effect, May 2, 1914), and in the town of Swampscott (C. 603. In effect, July 2, 1914). Any other town or district which failed to submit the question to its voters at the last annual meeting may submit it at the annual meeting in 1914, and the vote shall have the same effect as if the question had been submitted at the last annual meeting. (C. 618. In effect, June 4, 1914.) The industrial accident board must make to the legislature an annual report of which 4,500 copies are to be printed, 1,500 of them to be bound and the remainder unbound; 500 bound and 500 unbound copies are to be distributed by the secretary of state and the remainder by the board. (C. 656. In effect, June 10, 1914.)

Nebraska.—The 1913 workmen's compensation act (see Vol. III, p. 382) was sustained by popular vote.

New Jersey.—The scale of compensation in case of death is revised to raise the compensation for one dependent from 25 per cent to 35 per cent of wages; the definition of the term dependent is broadened to include several new relationships; and the allowance for expenses of last illness and burial is reduced from \$200 to \$100, whether or not there are dependents. (C. 244. In effect, April 17, 1914.)

New York.—The state and municipal corporations and other political subdivisions thereof are made employers within the meaning of the workmen's compensation act; in case of death of an employee of one of these, benefits payable under a pension system which is not supported in whole or in part by the employee may be applied toward compensation. In case of death of a widow or widower receiving compensation, the compensation of each surviving child under the age of eighteen is to be increased to 15

per cent of the deceased employee's wages, provided that the total amount payable must not exceed 66½ per cent of wages. The penalty for an employer failing to comply with the section providing for the security of his compensation payments is amended from \$1 for every employee for every day of non-compliance, to an amount equal to the pro-rata premium which would have been payable to the state fund for the period of non-compliance. (C. 316. In effect, April 14, 1914.) The sum of \$350,000 is appropriated for the use of the workmen's compensation commission, including salaries. (C. 170. In effect, April 7, 1914.)

Ohio.—The term "wilful act" as used in the workmen's compensation act is defined as "an act done knowingly and purposely with the direct object of injuring another." (S. B. 28. In effect, February 17, 1914.) The industrial commission is required to file with the state auditor on or before December 1 of each year a certificate in case there is already in the state insurance fund enough money to the credit of any county to provide for probable disbursements under the compensation act to injured employees of the county or of taxing districts therein, or to their dependents. In such cases the auditor of state is not to file with the county or with the treasurer of state the list, otherwise required, showing the proper contribution of the county and of its taxing districts to the state fund. (H. B. 1, 2nd special session. In effect July 20, 1914.)

HOURS

A. PUBLIC EMPLOYMENT

Alaska.—Hours are limited to eight a day in contract or sub-contract work on buildings or improvements, roads, bridges, streets, or alleys for the territory or any of its municipalities, except in cases of extraordinary emergency. Penalty, for any foreman, employer, contractor, sub-contractor or their agent, \$50-\$500, or imprisonment for ten to ninety days, or both. (C. 7. In effect, July 17, 1913.)

Massachusetts.—A provision for Saturday half-holiday throughout the year, without loss of pay, for public employees is submitted to the voters in the state election of 1914. The act applies to all laborers, workmen and mechanics employed by the state or by any state officer, board or commission, if they are permanent employees or are under civil service and if their services can be spared. As far as possible, all work by such employees shall be on the day-work basis. (C. 688. In effect upon a majority vote in the affirmative at the state election.) An act granting two weeks' annual vacation with pay to laborers employed by cities and towns is submitted to the voters at the next state election, and is to go into effect in each city or town upon its acceptance by a majority vote therein. (C. 217. In effect, April 22, 1914.) The question of an eight-hour day for city employees must be submitted to popular vote in the city of Chicopee at the next municipal election. (C. 277. In effect, May 2, 1914.) The same must be done in the city of Fitchburg (C. 552. In effect, June 19, 1914), and in the town of Swampscott (C. 603. In effect, July 2, 1914). The season within which permanent employees of the metropolitan water and sewerage board or the metropolitan park commission must receive a weekly half-holi-

day is extended to include April and May. (C. 455. In effect, May 30, 1914.)

New York.—The provision in the charter of Greater New York restricting the vacation periods of public employees to June, July, August and September is amended so as not to apply to the department of parks. (C. 458. In effect, April 20, 1914.) The new Buffalo city charter contains a provision that in contracts for work for the city a clause must be inserted binding the contractor not to discriminate as to workmen or wages against members of labor organizations, or to accept more than eight hours as a day's work, performed within nine consecutive hours. Work for more than eight hours in any twenty-four may only be done in case of necessity and must be paid for at the rate of time and one-half. (C. 217, §392. In effect upon acceptance by the voters of Buffalo at the general election in November, 1914.)

B. PRIVATE EMPLOYMENT

Six states and the territories of Alaska and Porto Rico legislated in 1914 on men's hours in private employment. Louisiana amended its eight-hour law for stationary firemen, while Maryland and Massachusetts provided two full days' rest each month for railroad employees engaged in directing train movements; Massachusetts also limited the hours of station laborers and baggagemen to nine a day. In Mississippi the ten-hour law for adult men in manufacturing and repairing, which has twice been upheld by the state courts, was amended to exempt establishments handling perishable agricultural products and employing adult men only, while the weekly rest day law in New York was amended to exempt a number of milk handling establishments and, in the discretion of the commissioner of labor, certain continuous industries. Alaska established an eight-hour day in mines and smelters, and Porto Rico amended its detailed law governing closing hours in commercial and industrial establishments. In New Jersey the regulation of men's hours occurs in the law governing work in compressed air.

Alaska.—Employment in underground mines and workings, open cut and open pit workings, smelters, reduction works, stamp and roller mills, concentrating mills, chlorination and cyanide processes, is declared to be dangerous to life and limb. Hours in underground workings and mines, stamp and roller mills, open cut workings,

chlorination and cyanide processes, and at coke ovens, are limited, except when change of shift is made and in cases of emergency or urgent necessity, to eight hours a day, exclusive of time required in going to or coming from the actual place of work and for meal times; but a proviso is added that the "act applies to metalliferous lode mining only." Penalty for each day's violation by any person, persons, body corporate, general manager or employer, \$100-\$500, or ninety days' to six months' imprisonment, or both. (C. 29. In effect, July 23, 1913.)

Louisiana.—A "stationary fireman" is defined as "any person employed in the generation of steam in stationary boilers in which coal is used for fuel." It is forbidden for any factory, manufacturing establishment, office building, hotel, warehouse, workshop, business establishment, person, firm or corporation in cities of 50,000 population or more to "compel" the stationary firemen employed therein to work consecutively in one day more than eight hours, and refusal of a stationary fireman to work longer is not lawful cause for discharge. In cities the chief of police and in towns and parishes the mayor or chief officer must enforce the act. Penalty for any person or corporation, \$25-\$100, or imprisonment for not more than fifteen days, or both. (No. 201. In effect, July 20, 1914.)

Maryland.—Signalmen, towermen, gatemen, levermen, agents, train despatchers, and telegraph and telephone operators concerned with the movement of trains, who work eight or more hours a day, must be given every month two full days of twenty-four hours for rest, with compensation; except in cases of emergency, when they must receive for each day of extra service an amount equal to the average daily pay for the month. Fines when collected are to be paid half to the informer and half into the public school fund of the state. Minimum penalty, \$100 for each offense. (C. 26. In effect, March 4, 1914.)

Massachusetts.—Signalmen, towermen, levermen, agents, train despatchers, telegraph or telephone operators in railroad towers or stations, and all other persons employed in operating trains by telegraph, telephone, signal or interlocking switching machines must be allowed two full days' rest with regular compensation in every calendar month. In case of emergency the rest period must be allowed after the emergency is past. Minimum penalty, \$100 for each offense. (C. 723. In effect, July 4, 1914.) Baggagemen,

laborers, crossing tenders and the like in and about steam railroad stations must not be employed more than nine working hours in ten hours' time, the additional hour to be allowed as a lay-off. Maximum penalty for an employer, agent, officer or other person, \$100 for each offense. (C. 746. In effect, August 2, 1914.)

Mississippi.—The ten-hour law in manufacturing and repairing is amended to exempt persons, firms or corporations engaged in handling or converting perishable agricultural products in season who work adult male labor only in connection therewith. (C. 168. In effect, March 28, 1914.) The same law is also amended to permit not more than twenty minutes' additional work on each of the first five days of the week, the additional time to be deducted from the last day of the week. (C. 169. In effect, March 28, 1914.)

New Jersey.—(See "Miscellaneous Industries," p. 445.)

New York.—The one-day-rest-in-seven law is amended to exempt employees in dairies, creameries, milk condensaries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice cream manufacturing plants and milk bottling plants, where not more than seven persons are employed. (C. 388. In effect, April 16, 1914.) The same act is further amended to exempt, with the approval of the commissioner of labor, employees in any necessarily continuous industrial or manufacturing process in which no employee is permitted to work more than eight hours a day. (C. 396. In effect, April 16, 1914.) Apprentices and employees in pharmacies must receive in addition to the one full day off in two consecutive weeks previously required at least one afternoon and evening off in each week. "The provisions of this section alone regulate working hours . . . in pharmacies." (C. 514. In effect, April 23, 1914.)

Porto Rico.—The law regulating closing hours in commercial and industrial establishments is rewritten. The establishments named must remain closed to the public all day Sunday, from 12 noon on legal holidays, from 7 p. m. (instead of from 6 p. m., as formerly) on working days, and from 10 p. m. on Saturdays and on December 24 and 31 and January 5; work for employees must be suspended one hour after closing. Thirty-one groups of establishments are excepted, including sugar and alcohol factories, pharmacies, book stores, slaughter houses, markets, eating houses, refreshment and news stands, ice depots, garages and livery stables, undertaking es-

tablishments, public and quasi-public utilities, works of emergency, theatres and places devoted exclusively to charitable purposes. Municipal councils may also by ordinance permit any establishment to remain open until noon on Sundays. Penalty \$10-\$100, or imprisonment for not more than thirty days. (C. 24. In effect, April 1, 1914.)

IMMIGRATION

Rhode Island authorized a commission (which, however, must not involve the state in any expense) to study the immigration problem and to draft legislation for the benefit of non-English speaking foreigners. Maryland established an employment bureau particularly for the distribution of immigrants.

Maryland.—(See “Unemployment,” p. 484.)

Rhode Island.—The governor is empowered to appoint an unsalaried commission on immigration, of five members, to investigate the way of living, distribution, educational and business opportunities of immigrants, and their relation to the industrial, social and economic condition of the people of the state. The purpose of the investigation is to be the enactment of laws to bring non-English speaking foreigners, resident and transient, into sympathetic relation with American institutions and customs. The commission may send for persons and papers and administer oaths, and must report to the governor by January 15, 1914, but is not to subject the state to any expense. (C. 1078. In effect, May 6, 1914.)

MISCELLANEOUS LEGISLATION

Several states passed labor laws which do not fit under any other head and consequently are analyzed here. Alaska forbade coercing employees to buy goods at any particular place, inducing workmen to change their places through false information about work, and the importation of armed guards. In New York the disastrous failure of a department store firm and the consequent loss by its employees of money compulsorily contributed by them to an establishment benefit fund led to the enactment of a law against such forced contributions. Mississippi and Virginia regulated the bonding of common carrier employees, and Massachusetts enacted laws on giving preference on public work to citizens of the state, and on other civil service matters.

Alaska.—Employers are forbidden to compel employees by threat of discharge, intimidation or other means to board or to purchase goods at any particular place. Penalty, \$25-\$100, or imprisonment for ten to thirty days, or both. (C. 9. In effect, July 17, 1913.) It is made unlawful to persuade or engage workmen to enter the territory or to change from one place to another within the territory by means of false advertising or pretenses concerning the kind of work, the amount of compensation or the sanitary or other conditions. Workmen have a right of action for all damages sustained in consequence of such false representation, including reasonable attorney's fees. It is also made a felony to bring persons into the territory or to move them from one place to another within the territory to guard with deadly weapons other persons or property; or for such persons to enter the territory without a written permit from the governor. The act does not forbid persons or organizations from protecting their property or interest as already provided. Maximum penalty for false representation, \$2,000, or one year's imprisonment, or both. Penalty for bringing armed persons or for coming under arms into the state, one to five years' imprisonment. (C. 36. In effect, July 25, 1913.)

Massachusetts.—Destroying, defacing, injuring or defiling toilet appliances in any place of employment is forbidden. Maximum penalty, \$50. (C. 164. In effect, April 15, 1914.) The period within which lamplighters in the city of Boston who lose their em-

ployment through change of lighting methods may be transferred to other work without civil service examination, is extended to four (instead of two) years from January 1, 1913. (C. 440. In effect upon its acceptance by the mayor and the city council of Boston.) When an appointing officer or board asks the civil service commission to certify persons with experience in the same department to fill vacancies as foremen or inspectors, the board must as far as practicable include among those certified at least one laborer or mechanic serving in the department. (C. 479. In effect, May 5, 1914.) The civil service commission must make rules, which shall be effective when approved by the governor and council, for including in the classified civil service all engineers and other persons in charge of steam boilers, heating, lighting and power plants maintained by the state. (C. 486. In effect, May 6, 1914.) In all work for the state or any city or town therein, preference must be given to citizens of the state, and the civil service commission may not place on its lists any person not a citizen of the United States. Non-citizens of the United States appointed because of lack of eligible persons must be replaced by citizens whenever the civil service commission establishes a list of the proper class; the commission must upon complaint by a citizen of the state take steps to enforce this provision. Penalty for an appointing officer who continues the unlawful employment of a non-citizen for ten days after notice, \$10-\$100 for each offense. (C. 600. In effect, June 2, 1914.)

Mississippi.—Common carriers must not require of employees that they be bonded by any particular company, nor reject a bond for any reason other than its financial insufficiency. Common carriers must not require bonds issued by non-resident companies, nor accept such bonds unless the issuing company has an agent resident within the state, who must keep a record of all bonds approved and cancelled. Bonds must be made to cover a definite term, and may not be cancelled without the consent of all parties thereto except for breach of the conditions, in which case ten days' written and sworn notice, giving full reasons, is required. Any bond or contract made in violation of the act is void. Penalty, \$100-\$1,000, and imprisonment for thirty days to one year. (C. 152. In effect, March 10, 1914.)

New York.—Mercantile corporations must not, by deduction from wages, by direct payment or otherwise, compel employees to con-

tribute to any benefit or insurance fund maintained for them by any corporation or person; contracts whereby such contribution is exacted are void. A director, officer or agent of a corporation who violates the act is guilty of a misdemeanor. Penalty for a corporation, \$100, recoverable by the person aggrieved. (C. 320. In effect, April, 14, 1914.)

Virginia.—If a surety company refuses to bond or to continue as bondsman for an employee of a common carrier, the common carrier must, unless it has other reasons for refusing to employ the employee, accept a bond with any other surety company or a properly secured personal bond. The surety company must on the employee's request send him by registered mail a written statement of its reasons for refusing to bond him. Communications between the surety company and common carrier or the employee are privileged, and cannot be made the base of an action for libel or slander. Penalty for a surety company or common carrier, \$100-\$1,000. (C. 157. In effect, June 18, 1914.)

PENSIONS AND RETIREMENT SYSTEMS

The only state to take up the question of pensions and retirement systems this year was Massachusetts. The director of the bureau of statistics was required to make a detailed study of old age dependency as a basis of possible legislative action. A number of minor acts protecting and amending the pension rights of public employees were also passed.

Massachusetts.—To provide information on the subject of old age pensions, the director of the bureau of statistics is required, in connection with the decennial census of 1915, to collect and present to the legislature at his earliest convenience data on the number of persons sixty-five years of age and over in the state, their length of residence in the state, the number of dependent persons in public and private institutions, the number of persons who are in receipt of aid from public sources and the amount of such aid. He may also collect data on the number of persons aided by private sources, the total amount so paid, and any other information likely to promote the purposes of the inquiry. In tabulating the census he must as far as practicable give preference to material called for by the resolve. All expenses are to come out of the regular census appropriation. (Resolves, C. 120. In effect, July 20, 1914.) All existing obligations of cities or towns to pay pensions to superannuated or incapacitated employees of fire and water districts are terminated on the day of the next annual meeting of the district; the meeting must vote on the question of assuming the obligations on the same basis, and shall assume them upon a majority vote. (C. 352. In effect, April 13, 1914.) Laborers and mechanics transferred from the service of the town of Hyde Park to the service of Boston when the town was annexed are given the same pension rights as if all their service had been performed for Boston. (C. 536. In effect, May 16, 1914.) The provisions of the state employees' retirement association are so amended that the refund payable in case of death or leaving the service before becoming entitled to a pension includes, together with all money paid in, "such interest as shall have been earned thereon," instead of "regular interest," as formerly. (C. 582. In effect, May 29, 1914.) Members of the system may after fifteen years' continuous service be retired for permanent disability

at not more than one-half their average yearly salary for the preceding ten years. The tables now in use by the retirement board must be used in determining the amount, which must not be less than \$200; the board may call upon the surgeon general to assist it in determining the degree of disability, and the board's decision is final. (C. 419. In effect, May 28, 1914.) Two years instead of one year is made the period within which a member of the system must be reinstated after suspension or dismissal in order to be rated as in continuous service, and engineers and inspectors in the intermittent service of the state are not to lose the benefit of continuity in the interval between employments. (C. 568. In effect, May 22, 1914.) The retirement board of the city of Boston is empowered to retire at regular pension rates, at the request of the mayor and city council, any laborer who owing to injury, physical incompetency, old age or infirmity is incapacitated for further duty. (C. 765. In effect upon acceptance by the mayor and city council of Boston.)

TRADE UNIONS AND TRADE DISPUTES

Trade unions and trade disputes occupied the attention of the legislators in three states, in Alaska, and in the federal government. Alaska enacted a mediation and arbitration act, while Mississippi requested that the federal industrial relations commission be utilized to end a railroad strike then in progress. Louisiana protected workmen in their right to organize, while Massachusetts explicitly declared labor combinations for the purpose of improving wages, hours or conditions, to be legal, and restricted the issuance of injunctions in labor disputes. Congress, in appropriating funds for the enforcement of antitrust laws, for the second time specified that none of the money was to be used for prosecuting labor organizations whose acts were not in themselves illegal, and also enacted a law specifically forbidding the application of antitrust laws to labor organizations and regulating the use of the injunction in labor disputes.

Alaska.—When a controversy concerning wages, hours of labor, or conditions of employment arises which interrupts or threatens to interrupt the business, the governor must upon application of either party endeavor to settle the dispute by mediation, either personally or through a commission. If this effort fails, he must, with the written consent of the parties, endeavor to bring about arbitration by a board of three persons, to be named one by the employer, one by the union or unions concerned, and a third disinterested person by these two. In case of failure to name the third arbitrator within five days of the first meeting, the submission to arbitration is to be recalled. A majority of the arbitrators may make a binding award. The submission to arbitration must stipulate (1) that the board shall commence hearings within ten days after the appointment of the third arbitrator, and file its award within thirty days of said appointment, and that pending arbitration the status existing immediately before the dispute shall not be changed, provided that no employee shall be compelled to render personal service without his consent; (2) that the award and all papers in the proceeding shall be filed with the district court, and shall be final and conclusive unless set aside for error of law apparent on the record; (3) that the parties will abide by the award, which may be enforced in equity, provided that no injunction or

other legal process shall be issued to compel the performance of a contract for personal labor against the laborer's will; (4) that the parties if dissatisfied with the award will not stop work, or discharge men, respectively, before three months after the award, except upon thirty days' notice; (5) that the award shall be in force for one year, and unless it is set aside as provided no new arbitration may be had on the same subject in that time. Judgment shall be entered on the award after ten days from its filing with the court; if exceptions are filed for matter of law apparent on the record, judgment shall be entered when the exceptions have been disposed of. Within thirty days from the decision of the district court on exceptions, appeal may be taken to the United States circuit court of appeals for the ninth judicial circuit, which shall receive only questions of law, and whose determination shall be final unless the parties agree on a judgment. The arbitrators may administer oaths and require the attendance of witnesses and the production of documents. Agreements to arbitrate must be acknowledged before a notary public or clerk of the district court; a copy is filed in the precinct, and one forwarded to the governor, who through the secretary of state calls a meeting of the arbitrators within fifteen days; but the governor may decline to call such meeting if not satisfied that the employees signing the submission are a majority of the employer's workmen of the same grade or class, and that an award can justly be regarded as binding upon all such workmen. During arbitration, and for three months after an award (except upon thirty days' written notice), the employer may not discharge employees who are parties thereto "except for inefficiency, violation of law, or neglect of duty" or because "in his judgment business necessities require such reduction"; and during a like period employees may not quit the employer's service "without just cause" without thirty days' written notice, nor may their organization call or abet a strike or give counsel contrary to the act. Violation of this provision makes the offending party liable for damages. Compensation and expenses of the arbitrators must be provided for in the agreement to arbitrate. (C. 70. In effect, July 29, 1913.) (See also "Miscellaneous Legislation," p. 475.)

Louisiana.—It is made unlawful to coerce, require, demand or influence an employee to enter into any contract, written, verbal or implied, not to become or to remain a member of any labor organi-

zation as a condition of securing or of remaining in employment. Minimum penalty for an individual, member of a firm, agent, officer or employee of any company or corporation, \$50, or thirty days' imprisonment. (No. 294. In effect, July 24, 1914.)

Massachusetts.—Persons seeking employment may not be indicted or prosecuted for entering into any agreement or combination with a view to lessening their hours, increasing their wages or bettering their condition, or for any act in pursuance of these purposes which is not in itself unlawful. No injunction shall be granted in any dispute over terms of employment unless it is necessary to prevent irreparable injury to property or to property rights for which there is no remedy at law, and such property or property rights must be particularly described and sworn to in the application. Rights in connection with the relation of employer and employee are construed as personal and not as property rights. In cases involving violation of contract but no threatened irreparable damage to property or property rights, the parties must be left to their remedy at law. (C. 778. In effect, August 6, 1914.) The law requiring employers advertising or soliciting for employees during strikes to mention explicitly the existence of the strike, is amended to apply also to lockouts and all other labor troubles. Seeking for help without as well as within the state is regulated, and no other person, firm, association or corporation may assist the employer in securing help contrary to the law. The penalty remains \$100 for each offense. (C. 347. In effect, May 13, 1914.) The law providing for a state board of conciliation and arbitration is amended to make investigation of labor disputes by the board dependent upon the failure of the parties to agree upon a settlement and their refusal to submit the matter to arbitration. The board may employ experts to assist in the investigation, and must inform employers and employees of their duty to give notice to the board before resorting to a strike or lockout and of their rights under the act. Local boards of conciliation and arbitration may be composed of three members mutually agreed upon, as well as by a representative each of employer, employees and the public as previously provided. (C. 681. In effect, July 18, 1914.)

Mississippi.—The President of the United States is memorialized to instruct the federal industrial relations commission to investigate the strike on the Illinois Central and Harriman railroad lines and to

take such other steps as may be deemed best to bring about a just settlement of the strike. (C. 550. S. C. R. 54.)

New York.—(See "Hours—Public Employment," p. 470.)

United States.—The sum of \$300,000 is appropriated for the enforcement by the department of justice of antitrust laws, with the same proviso as in 1913, namely, "that no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful." (Public 161, 63rd Congress, 2nd session. In effect, August 1, 1914.) The new law supplementing existing antitrust legislation declares that "the labor of a human being is not a commodity or article of commerce," and prohibits the construction of the antitrust laws to forbid the existence and operation of labor, agricultural or horticultural organizations instituted for mutual help and not having capital stock or conducted for profit; individual members of such organizations must not be restrained from carrying out their legitimate objects, and such organizations and their members must not be construed to be illegal combinations or conspiracies in restraint of trade. No restraining order or injunction may be granted by any United States court or judge in labor disputes concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right, for which there is no adequate remedy at law; and such property or property right must be described with particularity in the application, which must be in writing and sworn to. No restraining order or injunction may prohibit any person or persons, singly or in concert, from stopping work; from peacefully persuading others to work or to stop work; from attending any place where they may lawfully be; from ceasing to patronize or to employ any party to the dispute; from peacefully persuading others to do so; from giving or withholding any strike benefits or other things of value; from peacefully assembling in a lawful manner and for lawful purposes; or from doing any thing which might lawfully be done in the absence of such dispute; and none of the acts enumerated shall be considered violations of any law of the United States. (Public 212, 63rd Congress, 2nd session. In effect, October 15, 1914.)

UNEMPLOYMENT

Spurred on by the experiences of the winter of 1913-1914, three states made provision for public bureaus to put employment givers and employment seekers in touch with each other. Louisiana authorized its municipalities to open such bureaus free of state tax or license, and Maryland authorized an office primarily for immigrants. The most comprehensive measure of the year in this field is that of New York, which created a bureau of employment in the state department of labor, with branches throughout the state in the discretion of the commissioner of labor, and carefully regulated its operation. By popular vote Washington adopted a measure which practically means the elimination of private employment agencies in that state.

A. PUBLIC EMPLOYMENT BUREAUS

Louisiana.—Municipalities may by ordinance of their councils establish and maintain free public employment bureaus; no bonds need be given and no license fees or taxes need be paid by such bureaus. (No. 307. In effect, July 25, 1914.)

Maryland.—The board of immigration commissioners is instructed to establish in its bureau an agricultural employment department for supplying gratuitously efficient farm help. A record of those applying for help must be kept; also a record of those seeking employment, giving data as to age, character and capacity for work. The county boards of immigration commissioners, the formation of which the state board is to encourage, may among their other duties assist in distributing immigrants. (C. 429. In effect, April 10, 1914.)

New York.—There is established in the department of labor a bureau of employment, in charge of a director who shall have "recognized executive and managerial ability, technical and scientific knowledge upon the subject of unemployment and administration of public employment offices and recognized capacity to direct investigations of unemployment and public and private agencies for remedying the same," and shall be under civil service. The commissioner of labor may establish necessary branch offices each in charge of a superintendent, with necessary assistants, who must register all

applicants for work or for help and report periodically to the director. For each branch office the commissioner of labor must appoint an advisory committee composed of representative employers and employees and a chairman agreed on by the majority; at the request of a majority of either side, the voting on any question must be so conducted that there shall be an equality of voting strength between employers and employees, notwithstanding the absence of any member, and on such questions the chairman has no vote. The advisory committee may appoint sub-committees as advisable. Employers or employees may file with the office a notice of a strike or lockout affecting their trade, which must be communicated to the opposite party in the dispute, and exhibited, together with any answer, in the office. Applicants for situations affected by the dispute must be advised of the statements. No person shall suffer any discrimination or be otherwise prejudiced on account of refusing to accept employment upon the ground that a strike or lockout exists or that the wages are lower than current for that trade and district. Separate divisions may be organized in any office for men, women, and juveniles, and these may be subdivided into divisions for farm labor and such other classes as the commissioner of labor may decide. Applicants between the ages of fourteen and eighteen may register at school on special forms, which when transferred to the employment office must be treated as personal registration, and provision is made for cooperation between the superintendent of the office and the school principal in securing suitable employments for children. The advisory committees must appoint special sub-committees on juvenile employment, consisting of employers, employees, and persons possessing knowledge of education or of other conditions affecting children. The commissioner of labor must arrange for the cooperation of the branch offices, including the interchange between them and public posting of lists of vacancies, which he may also supply to newspapers and to other sources of information; he may also expend 5 per cent of the appropriation for the bureau in soliciting business by advertising or otherwise. No fees direct or indirect may be charged to or received from any applicant. The bureau of statistics and information must publish a bulletin giving all possible information on the state of the labor market, including reports of the various offices. All employment agencies other than those established by the act must keep a register of applicants

for work and for help in such form as required by the commissioner of labor, who may inspect such registers and to whom information therefrom must be furnished as required. Maximum penalty for a superintendent, clerk, subordinate or appointee who accepts any fee, compensation or gratuity from any one seeking labor or employment, \$500, or six months' imprisonment, or both; and such person is thereafter disqualified from holding any position in the bureau. (C. 181. In effect, April 7, 1914.)

B. PRIVATE EMPLOYMENT BUREAUS

New York.—(See "Public Employment Bureaus," p. 485.)

Washington.—By popular vote a measure was adopted making it unlawful for any employment agent, his representative, or any other person to demand or to receive either directly or indirectly any fee or remuneration from any person for furnishing him employment or information leading thereto. Maximum penalty, \$100 and thirty days' imprisonment. (No. 8. In effect, December 3, 1914.)

WAGES

In nine states and in Alaska wages were legislated upon. Maryland and Massachusetts fixed the rates of pay of several classes of public employees, and New Jersey required certain county employees to be paid semi-monthly. Semi-monthly pay laws affecting private industries were enacted in Louisiana, Mississippi and South Carolina; the last two states also forbade the discounting of trade checks, while Massachusetts amended its weekly pay day law to include workshops and mechanical establishments. Alaska, Kentucky, Louisiana and New York enacted or amended wage lien laws, and Ohio passed a measure for the protection of miners' wages against unfair practices in weighing and screening coal. In addition, Massachusetts slightly amended its minimum wage law (see "Woman's Work," p. 492).

A. PUBLIC EMPLOYMENT

Maryland.—All laborers employed by the mayor and city council of Cumberland must be paid not less than \$2 a day. (C. 98. In effect, March 17, 1914.)

Massachusetts.—Women cleaners and scrub women employed by Suffolk county must be paid not less than \$8 a week. (C. 413. In effect, April 28, 1914.) Wages of male laborers employed by the board of prison commissioners must not be less than \$2.50 a day. (C. 458. In effect, April 30, 1914.) The wages paid to mechanics employed on public works must not be less than the prevailing rate of wages in the same occupation in the locality. (C. 474. In effect, June 4, 1914.) The metropolitan water and sewerage board is authorized to increase the wages of its engineers, firemen, oilers, coal passers and screenmen, not to exceed in the aggregate \$5,000. (Resolves, C. 96. In effect, July 4, 1914.) The annual salary of elevator men at the state house is increased to \$1,100. (C. 667. In effect, June 13, 1914.) The annual salary of porters at the state house is increased to \$850. (C. 684. In effect, June 18, 1914.) (See also "Wages—Private Employment," p. 489.)

New Jersey.—All county employees in counties of the second class must be paid semi-monthly. (C. 10. In effect, March 10, 1914.)

B. PRIVATE EMPLOYMENT

Alaska.—Every person performing labor upon a mine, lode, mining claim or coal, metal or mineral deposit of any kind; or assisting in such work as cook, engineer, fireman or in cutting or delivering wood; or working on any road, tramway, trail, flume, ditch or pipe line, building, structure or superstructure, dredge, steam shovel or machinery used in connection with any such mining claim; or performing service in freighting or packing supplies for such work, shall have a preferred lien on such property to secure his payment for work done. Two or more claims worked together are deemed one mine. (C. 79. In effect, July 29, 1913.)

Kentucky.—The lien law is amended to confer on employees of any mine, railroad, turnpike, canal or other public improvement company, or of the owner or operator of any rolling mill, foundry or other manufacturing establishment, in case the property comes to be distributed among creditors, a lien on the property and accessories of the business, including the real estate. (C. 49. In effect, June 15, 1914.)

Louisiana.—Corporations, companies, associations, partnerships and individuals employing ten or more persons in manufacturing, and all public service corporations, are required to pay their employees every two weeks, or twice each month. The payments must come as near to two weeks apart as is practicable, and not more than seven days' wages may be held back; except that public service corporations may hold back fifteen days' pay. Except in the case of public service corporations, the act does not apply to the clerical force or to salesmen. Penalty for any corporation, member of the board of directors of a corporation, foreman, manager, overseer, paymaster, or other person having employees under his control, not more than \$250, or imprisonment for ten to sixty days, or both, for each day's violation. (No. 25. In effect, July 3, 1914.) Employers or their agents are forbidden to require employees to sign contracts by which the employees forfeit their wages if they are discharged or resign their employment before the contract is completed; but only wages actually earned up to the time of discharge or resignation are protected. Employers are also forbidden to fine employees, except when employees wilfully or negligently damage goods or property of the employer, in which case the fine must not exceed the actual damage done. Penalty, \$25-\$100, or

imprisonment for thirty days to three months. (No. 62. In effect, July 9, 1914.) Employers must pay to employees upon demand at the time of discharge the amount due them under the terms of employment. Any individual, firm, person or corporation violating the law becomes liable to the employee for his full wages until paid or tendered. (No. 170. In effect, July 17, 1914.) Managers, mechanics and laborers employed in sugar refineries or in sugar or syrup mills are given a wage lien on all sugar, syrup or molasses manufactured during the same season; the lien is not to exist longer than thirty days after the maturity of the debt and is of no effect against bona fide purchasers. If the employees believe that the material on which they have the lien is about to be removed or disposed of so as to deprive them of their privilege, they may provisionally seize it upon making oath to that effect and stating the amount of the claim. (No. 185. In effect, July 20, 1914.) The law requiring contractors or master mechanics on construction contracts amounting to \$1,000 or more to give a bond securing the wages of workmen, is amended to apply to contracts of \$500 or more; the time for filing claims is reduced from forty-five to thirty days after the completion of the work or the default of the contractor. (No. 221. In effect, July 20, 1914.)

Massachusetts.—The list of manufacturing and other establishments in which weekly payment of wages is required, is rewritten, the changes being purely verbal except that contracting on public works is omitted, and workshops and mechanical establishments are added. (C. 247. In effect, April 25, 1914.)

Mississippi.—Employers engaged in manufacturing or railroading are forbidden to discount trade checks, coupons or other written instruments issued as payment for labor. Penalty, \$10-\$50 for each offense, and in suits to enforce payment in cases involving \$100 or less employers engaged in manufacturing are liable to pay an additional 25 per cent as damages. (C. 138. In effect, March 28, 1914.) Employers engaged in manufacturing who employ fifty or more employees, and who employ public labor, and public service corporations doing business within the state, must pay employees every two weeks or twice during every calendar month for all labor performed up to not more than seven days previous to the time of payment; except that public service corporations may hold back fifteen days' wages. Penalty, \$25-\$250 for each day's

violation against each employee. (C. 167. In effect, March 18, 1914.)

New York.—The lien law is amended to cover persons who do any work on or furnish materials in equipping any structure with gas or electric light fixtures. (C. 506. In effect, April 23, 1914.) The debtor and creditor law is amended to make a preferred claim of wages for services rendered only within three months (instead of one year, as formerly) prior to the execution of the assignment, and to limit the amount of wages so protected for any one employee to \$300. (C. 360. In effect, April 15, 1914.)

Ohio.—Miners and loaders of coal who are paid by weight must be paid according to the total weight of coal contained in the car in which it is removed from the mine. The coal must, however, contain no greater percentage of slate, sulphur, rock, dirt or other impurity than that determined from time to time by the industrial commission. Miners and loaders and their employers, or the industrial commission upon the request of either, must fix for stipulated periods the percentage of nut and other fine coal allowable; if the commission finds that the percentage of fine coal is higher than that fixed by it, it must issue and enforce orders for the reduction of the percentage. The employer may not screen coal in such a way as to reduce its total weight. Employer and employee may agree on deductions from pay on account of impurities in excess of the percentage fixed. Penalty for an employer screening coal so as to reduce weight, \$300-\$600 for each offense. Penalty for a miner or loader loading a car with impurities in excess of the percentage fixed, 50 cents for the first, \$1 for the second and \$2-\$4 for the third offense within a period of three days. (S. B. 3. In effect, February 17, 1914.)

South Carolina.—Railroad corporations owning, leasing or operating thirty-five miles or more in the state must pay employees in their shops semi-monthly. Penalty, \$25-\$100. (C. 399. In effect, March 19, 1914.) The law regulating the use of certificates for wages is amended. Corporations, firms or persons engaged in the manufacture of cotton goods must not pay wages in any medium except United States money unless the same is redeemable without discount either in cash or in goods at the store of the issuing firm or at the store of any other person on whom the paper may be drawn. The issuing firm must redeem the certificates in cash or in goods at the current cash price on demand within two weeks; but

if the firm has a regular pay day every two weeks, it may not be required to redeem the certificates until the first pay day after it becomes payable. The law does not apply to agricultural contracts or to advances for agricultural purposes. (C. 314. In effect, March 18, 1914.)

WOMAN'S WORK

Minimum wage legislation in 1914 was represented only by a Massachusetts act amending the existing law in several particulars as a result of the year's experience under it. Five states and the federal government took action on hours and working conditions affecting women. Mississippi established for women a ten-hour day and a sixty-hour week and Virginia extended its ten-hour law to cover certain establishments not previously affected, while New York made its nine-hour day and fifty-four-hour week general for women employed in all mercantile establishments and limited their working week to six days. Slight amendments to other woman's work laws were made in Massachusetts and in South Carolina. Congress established for females in the District of Columbia an eight-hour day and a forty-eight-hour week, prohibited their employment before 7 a. m. or after 6 p. m., and provided a staff of inspectors to enforce the act.

A. THE MINIMUM WAGE

Massachusetts.—The minimum wage law is amended. The number of representatives of employers and employees on wage boards may now be any equal number, instead of not less than six, as formerly. The commission must notify employers and employees in the occupation of its intention to establish a wage board and must request both sides to nominate representatives from whom, provided the names are furnished within ten days, the commission must select. The requirement that the commission must publish in at least one newspaper in each county a summary of its findings and recommendations is changed to require publication "at such times and in such manner as it may deem advisable." In addition to the records previously required, employers must now keep a record of the amount paid each week to each woman and minor. The prohibition against an employer's discharging or discriminating against an employee who has testified or is about to testify or whom he believes may testify in wage proceedings is amended to forbid also these acts because an employee "has served or is about to serve upon a wage board, or is or has been active in the formation thereof, or has given or is about to give information concerning the conditions of such employee's employment," or because the employer

believes the employee may do these things. The penalty for such discrimination remains \$200-\$1,000 for each offense. (C. 368. In effect, April 17, 1914.)

B. HOURS AND WORKING CONDITIONS

Massachusetts.—The law regulating the moving of boxes and other receptacles by females in mills and workshops is amended to require pulleys, casters or other mechanical contrivances for boxes weighing with their contents seventy-five pounds or more, instead of for boxes two by two by two and one-half feet in dimensions as previously. The mechanical contrivance must also be connected with the box or receptacle. (C. 241. In effect, April 24, 1914.)

Mississippi.—It is made unlawful for any person, firm or corporation to work any woman or girl in "any laundry, millinery, dress-making store, office, mercantile establishment, theatre, telegraph or telephone office or any other occupation not here enumerated" more than ten hours a day or sixty hours a week, except in case of emergency or public necessity. Penalty, \$10-\$50 for each offense, or imprisonment from five to thirty days, or both, and each day's violation is a separate offense. (C. 165. In effect, March 27, 1914.)

New York.—Hours of women over sixteen years of age are reduced to fifty-four a week in all mercantile establishments, regardless of the class of the city in which the establishment is located. The latest hour for employment is made uniformly 10 p. m., daily hours are limited to nine except for the purpose of making a shorter day of some other day in the week, and the working week is limited to six days. The week from December 18 to 24, inclusive, is exempt from these restrictions. The commissioner of labor is empowered to permit a shorter lunch time than forty-five minutes, and such permit must be kept conspicuously posted at the main entrance. (C. 331. In effect, April 14, 1914.)

South Carolina.—The law limiting the hours of women employees in mercantile establishments to twelve a day and sixty a week is amended to provide that such women shall not be allowed (instead of required) to work later than 10 p. m. Duly authorized agents of the commissioner of agriculture, commerce and industries may assist the commissioner and the inspectors in enforcing the act. The penalty remains \$10-\$40 or imprisonment from ten to thirty days. (C. 262. In effect, March 20, 1914.)

Virginia.—The law limiting the hours of females and of children under fourteen to ten a day is extended to cover mercantile establishments in towns over 2,000 on Saturdays, and laundries. Males under twenty-one, and females, may not be employed in any capacity in any place, except hotels and mercantile establishments in the country, where intoxicating liquors are manufactured, bought, sold, packed or shipped. Canning and fish packing establishments in the country are exempt from the law, which in addition does not apply to women whose full time is employed as bookkeepers, stenographers, cashiers or office assistants. The penalty remains \$5-\$20. (C. 158. In effect, June 18, 1914.)

United States.—No female may be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, restaurant, telegraph or telephone office, or by any express or transportation company, in the District of Columbia, more than eight hours a day or more than six days or forty-eight hours a week. No female under eighteen years of age may be employed or permitted to work in any establishment listed before 7 a. m. or after 6 p. m. Where three or more females are employed, a female may not be employed more than six hours continually without an interval of at least three-quarters of an hour; except that she may be employed for not more than six and one-half hours continuously if the employment ends not later than 1.30 p. m. and she is then dismissed for the day. The employer must post in every workroom in which women are employed a printed notice stating the number of working hours a day, the hours of beginning and of stopping work, and, except upon written permit by the inspectors because the nature of the business renders a uniform lunch period for all employees impracticable, the hours of beginning and ending the lunch period. The employer must keep a time book for every woman employed, stating the wages, the number of hours' work, and the hours of beginning and stopping the work and the lunch period, and must exhibit the book to the inspectors at all reasonable hours. The act, and also the act of 1905 requiring seats for women employees, are to be enforced by three inspectors, two of whom must be women, appointed by the commissioners of the District of Columbia at \$1,200 annually; the inspectors must report to the commissioners daily, and must report violations to the corporation counsel of the district. Penalty, for a first offense, \$20-\$50, for a second offense \$50-\$200, and for a third offense not less than \$250. (Public 60, 63rd Congress, 2nd session. In effect, February 24, 1914.)

II. TOPICAL INDEX BY STATES

The labor laws enacted by the seventeen state, territorial and federal legislatures treated in this REVIEW are here indexed in alphabetical order with chapter and page references to the session law volumes. Initiated and referred acts adopted in five states are also indexed. The figures in ordinary type inside the parentheses refer to the session law volumes; the figures in heavier type, outside the parentheses, refer to pages in this REVIEW.

ALASKA

(Session 1913.)

Accident and Disease Reporting: mine operators to report accidents (C. 72, p. 274), p. 439.

Employers' Liability, Workmen's Compensation and Insurance: liability for accidents established (C. 45, p. 84), p. 462.

Hours: limited to eight a day on public works (C. 7, p. 8), p. 469; and in metalliferous lode mining (C. 29, p. 35), p. 470.

Mines: territorial mine inspector to be appointed (C. 72, p. 274), p. 439.

Miscellaneous: compelling employees to board or to trade at a particular place forbidden (C. 9, p. 12), p. 475; false representation of labor conditions and importation of armed guards forbidden (C. 36, p. 51), p. 475.

Trade Unions and Trade Disputes: governor authorized to undertake mediation and arbitration (C. 70, p. 268), p. 480.

Wages: lien on mines and appurtenances established (C. 79, p. 308), p. 488.

ARKANSAS

(Initiated act; no legislative session.)

Child Labor: general law amended (No. 1), p. 451.

COLORADO

(Initiated act; no legislative session.)

Employers' Liability, Workmen's Compensation and Insurance: assumption of risk law sustained (No. 11), p. 462.

GEORGIA

Child Labor: minimum age regulated (No. 426, p. 88), p. 452; birth certificates to be proof of age (No. 466, §17, p. 169), p. 453.

Factories and Workshops: sanitation of food factories (No. 454, p. 134), p. 430.

KENTUCKY

Child Labor: law regulating age limits, hours and prohibited employments rewritten (C. 72, p. 212), p. 453.

Employers' Liability, Workmen's Compensation and Insurance: accident compensation established (C. 73, p. 226), p. 463.

Mines: safety code rewritten (C. 79, p. 288), p. 439.

Wages: lien law amended (C. 49, p. 135), p. 488.

LOUISIANA

Administration of Labor Laws: bureau of labor reorganized (No. 186, p. 351), p. 448.

Child Labor: prohibition of work under fourteen extended (No. 133, p. 247), p. 455.

Employers' Liability, Workmen's Compensation and Insurance: accident compensation established (No. 20, p. 44), p. 463.

Factories and Workshops: fire escapes required (No. 171, p. 289), p. 431.

Hours: eight-hour day law for stationary firemen amended (No. 201, p. 385), p. 471.

Railroads and Streetcars: streetcar vestibules to be enclosed (No. 16, p. 40), p. 442; training for motormen and conductors required (No. 150, p. 266), p. 442.

Trade Unions and Trade Disputes: freedom to belong to union protected (No. 294, p. 602), p. 481.

Unemployment: municipal employment bureaus authorized (No. 307, p. 632), p. 484.

Wages: bi-weekly pay days required (No. 25, p. 80), p. 488; certain contracts and fines forbidden (No. 62, p. 154), p. 488; employees to be paid upon discharge (No. 170, p. 288), p. 489; wage lien on sugar and syrup mills created (No. 185, p. 350), p. 489; bonding law amended (No. 221, p. 418), p. 489.

MARYLAND

Administration of Labor Laws: salaries of inspectors of female labor increased (C. 382, p. 608), p. 448; changes in child labor staff of bureau of statistics and information (C. 840, p. 1636), p. 449.

Child Labor: minimum age for newsboys lowered (C. 27, p. 28), p. 455.

Employers' Liability, Workmen's Compensation and Insurance: accident compensation established (C. 800, p. 1429), p. 463.

Factories and Workshops: sanitation of food factories and canneries provided for (C. 678, p. 1150), p. 431; tenement workrooms and certain factories to be licensed (C. 779, p. 1366), p. 432; standing or sitting on cigar moulds forbidden (C. 81, p. 103), p. 433.

Hours: rest days established for men directing train movements (C. 26, p. 27), p. 471.

Mines: commission appointed to draft protective measure (C. 460, p. 742), p. 441.

Unemployment: agricultural employment office created (C. 429, p. 682), p. 484.

Wages: minimum rate fixed on public work in Cumberland (C. 98, p. 122), p. 487.

MASSACHUSETTS

Accident and Disease Reporting: gas and electric corporations to report accidents (C. 742, §164, p. 589), p. 429.

Administration of Labor Laws: board of labor and industries may require employers to post notices (C. 263, p. 180), p. 449; annual report of board to be printed (C. 533, p. 362), p. 449; commissioner of labor must compile state's labor laws (Resolves, C. 36, p. 750), p. 449.

Child Labor: educational requirement modified (C. 580, p. 387), p. 455.

Employers' Liability, Workmen's Compensation and Insurance: benefits under workmen's compensation act increased (C. 708, p. 554), p. 466; compensation act extended to employees of Boston transit commission (C. 636, p. 461), p. 467; extension of compensation act to public employees to be submitted to voters of Brockton (C. 142, p. 81), p. 467, Chicopee (C. 278, p. 188), p. 467, Swampscott (C. 603, p. 420), p. 467, and certain other towns and districts (C. 618, p. 447), p. 467; industrial accident board must issue annual report (C. 656, p. 482), p. 467.

Factories and Workshops: penalty established for locking factory doors (C. 566, p. 379), p. 433; requirements for sanitary facilities revised (C. 328, p. 227), p. 434; medical and surgical chests required in certain mercantile establishments (C. 557, p. 375), p. 434.

Hours: Permanent Saturday half-holiday for certain state employees submitted to voters (C. 688, p. 527), p. 469; annual vacation for laborers employed by cities and towns submitted to voters (C. 217, p. 136), p. 469; vote required on eight-hour day for city employees in Chicopee (C. 277, p. 187), p. 469, in Fitchburg (C. 552, p. 373), p. 469, and in Swampscott (C. 603, p. 420), p. 469; half-holiday season for certain public employees extended (C. 455, p. 312), p. 469; rest days established for certain railroad employees (C. 723, p. 572), 471; nine-hour day for certain railroad employees established (C. 746, p. 645), p. 471.

Miscellaneous: safety valves required on ammonia compressors (C. 467, p. 317), p. 444; compressed air tanks regulated (C. 649, p. 478), p. 445; injuring or defiling toilets forbidden (C. 164, p. 93), p. 475; time for transferring unemployed lamplighters extended (C. 440, p. 303), p. 475; provision made for promotion of mechanics in the public service (C. 479, p. 323), p. 476; engineers employed by

state to be under civil service (C. 486, p. 330), p. 476; preference to be given to citizens in state work (C. 600, p. 419), p. 476.

Pensions and Retirement Systems: data to be secured (Resolves, C. 120, p. 782), p. 478; burden of pensions for employees of fire and water districts shifted (C. 352, p. 250), p. 478; pension rights of certain employees of Hyde Park protected (C. 536, p. 363), p. 478; refunds in state employees' retirement association revised (C. 582, p. 389), p. 478; retirement of disabled members of association provided for (C. 419, p. 292), p. 478; reinstatement in association modified (C. 568, p. 380), p. 479; retirement of incapacitated employees of Boston provided for (C. 765, p. 660), p. 479.

Trade Unions and Trade Disputes: combinations to improve labor conditions not unlawful (C. 778, p. 680), p. 482; advertising for help during labor troubles regulated (C. 347, p. 247), p. 482; powers of board of conciliation and arbitration enlarged (C. 681, p. 508), p. 482.

Wages: weekly pay-day law amended (C. 247, p. 170), p. 489; wages of scrub women employed by Suffolk county fixed (C. 413, p. 287), p. 487; wages of prison board employees fixed (C. 458, p. 313), p. 487; prevailing rate of wages required on public works (C. 474, p. 320), p. 487; metropolitan water and sewerage board authorized to increase wages of certain employees (Resolves, C. 96, p. 775), p. 487; salary increase granted to state house elevator men (C. 667, p. 489), p. 487, and to state house porters (C. 684, p. 512), p. 487.

Woman's Work: minimum wage law amended (C. 368, p. 259), p. 492; moving of boxes regulated (C. 241, p. 147), p. 493.

MISSISSIPPI

Administration of Labor Laws: state board of health to appoint factory inspector (C. 163, p. 209), p. 449.

Child Labor: hours regulated (C. 164, p. 212), p. 456.

Employers' Liability, Workmen's Compensation and Insurance: assumption of risk modified (C. 156, p. 200), p. 462.

Hours: certain canneries exempted from ten-hour law (C. 168, p. 217), p. 472; ten-hour law modified (C. 169, p. 217), p. 472.

Miscellaneous: bonding of employees regulated (C. 152, p. 196), p. 476.

Railroads and Streetcars: full crew law enacted (C. 170, p. 218), p. 443.

Trade Unions and Trade Disputes: President memorialized on Harriman railroad strike (C. 550, p. 549), p. 482.

Wages: discounting wage checks forbidden (C. 138, p. 181), p. 489; semi-monthly pay days required (C. 167, p. 216), p. 489.

Woman's Work: ten-hour day established (C. 165, p. 214), p. 493.

MISSOURI

(Referred law; no legislative session.)

Railroads and Streetcars: full crew law repealed, p. 442.

NEBRASKA

(Initiated act; no legislative session.)

Employers' Liability, Workmen's Compensation and Insurance: workmen's compensation act sustained, p. 467.

NEW JERSEY

Accident and Disease Reporting: lead poisoning to be reported (C. 162, p. 296), p. 435.

Administration of Labor Laws: name of bureau of statistics changed (C. 156, p. 287), p. 450; mine and quarry inspector to be appointed (C. 236, p. 488), p. 450.

Child Labor: school attendance (C. 223, p. 456), p. 456; certain employments prohibited (C. 60, p. 99), p. 458; employment in mines and quarries prohibited (C. 236, p. 488), p. 458; employments and hours regulated (C. 252, p. 523), p. 458; labor in mercantile establishments regulated (C. 253, p. 529), p. 459.

Employers' Liability, Workmen's Compensation and Insurance: scale of compensation for death revised (C. 244, p. 499), p. 467.

Factories and Workshops: protection from occupational diseases (C. 162, p. 206), p. 434.

Miscellaneous: employment in compressed air regulated (C. 121, p. 197), p. 445.

Wages: semi-monthly pay days for employees of certain counties (C. 10, p. 23), p. 487.

NEW YORK

Administration of Labor Laws: salary of chief mercantile inspector increased (C. 333, p. 932), p. 450; bureau of compulsory education established (C. 479, p. 1967), p. 450.

Child Labor: hours in mercantile establishments reduced (C. 331, p. 929), p. 459; newspaper delivery regulated (C. 21, p. 68), p. 459.

Employers' Liability, Workmen's Compensation and Insurance: compulsory workmen's compensation law enacted (C. 41, p. 216), p. 463; act extended to public employees (C. 316, p. 908), p. 467; appropriation for commission (C. 170, p. 463), p. 468.

Factories and Workshops: public service plants not factories (C. 512, p. 2047), p. 435; fire escape regulations amended (C. 182, p. 477), p. 435; duties of fire commissioner extended (C. 459, p. 1925), p. 436; factory law amended in certain particulars (C. 366, p. 1129), p. 436; sanitary requirements in mercantile establishments amended (C. 183, p. 479), p. 436; factory investigating commission continued (C. 110, p. 373), p. 437; appropriation for American Museum of Safety (C. 466, p. 1937), p. 437.

Hours: certain dairies and milk-using establishments exempted from weekly rest-day law (C. 388, p. 1546), p. 472; certain continuous processes also exempted therefrom (C. 396, p. 1555), p. 472; rest periods for drug clerks regulated (C. 514, p. 2049), p. 472; vacation period for New York park employees extended (C. 458, p. 1923), p. 470; eight-hour day on Buffalo public works established (C. 217, §392, p. 664), p. 470.

Miscellaneous: compulsory benefit funds in mercantile establishments forbidden (C. 320, p. 915), p. 476.

Trade Unions and Trade Disputes: anti-union discrimination forbidden on Buffalo public works (C. 217, §392, p. 664), p. 470.

Unemployment: state employment bureau established (C. 181, p. 472), p. 484.

Wages: lien established on lighting fixtures (C. 506, p. 2017), p. 490; law on wage claims amended (C. 360, p. 1107), p. 490.

Woman's Work: hours in mercantile establishments reduced (C. 331, p. 929), p. 493.

OHIO

(Two special sessions.)

Child Labor: minimum age and school requirements raised (S.B. 19, p. 129), p. 460.

Employers' Liability, Workmen's Compensation and Insurance: wilful act defined (S.B. 28, p. 193), p. 468; public contributions to state fund regulated (H.B. 1, 2nd special session), p. 468.

Mines: amount of requisite first aid supplies increased (H.B. 12, p. 164), p. 442; permit required for solid shooting (H.B. 10, p. 161), p. 442.

Wages: weighing of coal regulated (S.B. 3, p. 181), p. 490.

PHILIPPINE ISLANDS

(Special session. Page references not yet available.)

Trade Unions and Trade Disputes: arbitration act amended (No. 2385), p. 483.

PORTO RICO

(Page references not yet available.)

Hours: law regulating closing hours in certain establishments amended (C. 24), p. 472.

RHODE ISLAND

Immigration: commission created (C. 1078, p. 136), p. 474.

SOUTH CAROLINA

Railroads and Streetcars: sheds required in repair yards (C. 403, p. 706), p. 443; warning boards required (C. 401, p. 703), p. 443.

Wages: railroad shop employees to be paid semi-monthly (C. 399, p. 699), p. 490; law regulating wage certificates amended (C. 314, p. 563), p. 490.

Woman's Work: law regulating hours in mercantile establishments amended (C. 262, p. 480), p. 493.

TEXAS

(Special session. No labor legislation.)

VIRGINIA

Administration of Labor Laws: powers of labor commissioner extended (C. 321, p. 565), p. 450.

Child Labor: child labor law amended (C. 339, p. 671), p. 460.

Factories and Workshops: general safety provisions enacted (C. 16, p. 25), p. 437; sanitary requirements amended (C. 286, p. 496), p. 438; ventilation required in foundries (C. 333, p. 665), p. 438.

Miscellaneous: bonding of common carrier employees regulated (C. 157, p. 262), p. 477.

Railroads and Streetcars: headlights required (C. 89, p. 154), p. 443; caboose cars regulated (C. 87, p. 144), p. 444.

Woman's Work: hours and employment regulations amended (C. 158, p. 263), p. 494.

WASHINGTON

(Initiated act; no legislative session.)

Unemployment: private employment bureaus forbidden to take fees from applicants for work (No. 8), p. 486.

UNITED STATES

(Page references not yet available.)

Trade Unions and Trade Disputes: appropriation for antitrust law enforcement not to be used against trade unions (Public 161, 63rd Congress, 2nd session), p. 483; antitrust laws not to be applied to trade unions, use of injunctions in trade disputes restricted (Public 212, 63rd Congress, 2nd session), p. 483.

Woman's Work: eight-hour day established for females in District of Columbia (Public 60, 63rd Congress, 2nd session), p. 494.

PUBLICATIONS

American Association for Labor Legislation

No. 1: Proceedings of the First Annual Meeting, 1907.

No. 2: Proceedings of the Second Annual Meeting, 1908.*

No. 3: Report of the General Administrative Council, 1909.*

No. 4: (Legislative Review No. 1) Review of Labor Legislation of 1909.

No. 5: (Legislative Review No. 2) Industrial Education, 1909.

No. 6: (Legislative Review No. 3) Administration of Labor Laws, 1909.*

No. 7: (Legislative Review No. 4) Woman's Work, 1909.*

No. 8: (Legislative Review No. 5) Child Labor, 1910.

No. 9: Proceedings of the Third Annual Meeting, 1909.*

No. 10: Proceedings of the First National Conference on Industrial Diseases, 1910.*

No. 11: (Legislative Review No. 6) Review of Labor Legislation of 1910.

No. 12: (American Labor Legislation Review, Vol. I, No. 1.) Proceedings of the Fourth Annual Meeting, 1910.

No. 13: (American Labor Legislation Review, Vol. I, No. 2.) Comfort, Health and Safety in Factories.

No. 14: (American Labor Legislation Review, Vol. I, No. 3.) Review of Labor Legislation of 1911.

No. 15: (American Labor Legislation Review, Vol. I, No. 4.) Prevention and Reporting of Industrial Injuries.

No. 16: (American Labor Legislation Review, Vol. II, No. 1.) Proceedings of the Fifth Annual Meeting, 1911.*

No. 17: (American Labor Legislation Review Vol. II, No. 2.) Proceedings of the Second National Conference on Industrial Diseases, 1912.

No. 18: (American Labor Legislation Review, Vol. II, No. 3.) Review of Labor Legislation of 1912.

No. 19: (American Labor Legislation Review, Vol. II, No. 4.) Immediate Legislative Program.
One Day of Rest in Seven, Prevention of Lead Poisoning, Reporting of Accidents and Diseases, Workmen's Compensation, Investigation of Industrial Hygiene, Protection for Working Women, Enforcement of Labor Laws.

No. 20: (American Labor Legislation Review, Vol. III, No. 1.) Proceedings of the Sixth Annual Meeting, 1912.

The Minimum Wage:
The Theory of the Minimum Wage, Henry R. Seager.

Factory Inspection and Labor Law Enforcement:
How the Wisconsin Industrial Commission Works, John R. Commons.
A Laborer's View of Factory Inspection, Henry Sterling.
An Employer's View of Factory Inspection, Charles Sumner Bird.
The Efficiency of Present Factory Inspection Machinery in the United States, Edward F. Brown.

* Publication out of print.

AMERICAN LABOR LEGISLATION REVIEW
Vol. IV, No. 4

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Vol. IV

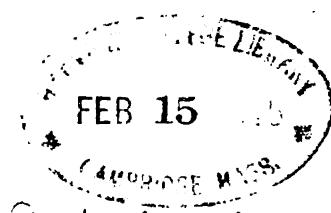
DECEMBER, 1914

No. 4

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Prof. E. W. Sausig.

Princeton University Press
Princeton, N.J.

INTRODUCTORY NOTE

On February 15, 1906, the American Association for Labor Legislation was formed, with twenty-one charter members. It was small, but it was hopeful, and it felt that its face was turned in the right direction. To-day, almost nine years later, the Association has a membership of more than 3,000 and a record of accomplishment of which it thinks itself justly proud.

The present moment, when social movements and doctrines of every kind are being tried out in the furnace of a world-wide conflagration, is peculiarly opportune for reviewing the organization's work and rendering an account of its stewardship. In the following pages will be found a brief record of the Association's attainments in the ten large fields of its activity—organization, occupational hygiene, industrial safety, administration of labor laws, social insurance (including workmen's compensation), unemployment, one day of rest in seven, woman's work, and more incidentally child labor and industrial education. When the Association was formed there were already in certain sections of the labor legislation field other organizations with which the Association has since cooperated for the purpose of avoiding unnecessary duplication of effort. The annals, are, therefore, fuller in some cases than in others, but in all cases the story which is told represents the most unremitting activity and the most earnest endeavor.

In the course of the nine years' efforts numerous publications have been issued, which are listed at the end of their appropriate sections. Prominent among them have been several leaflets containing the standard bills carefully and scientifically drafted by the Association's experts after thorough, painstaking study of conditions. These have been distributed by thousands in various vigorous legislative campaigns, and in the following pages are for the first time brought together for the permanent assistance of members and friends. Special acknowledgement is due to the committees, herewith published, to whose untiring application much of the Association's scientific success is due.

A number of maps, charts and photographs show the spread of workmen's compensation laws and public employment bureaus throughout the country, the progress in women's hour legislation from 1912 to 1914, and some of the occupational disease hazards against which the Association has campaigned, in one striking case with complete victory.

From their very nature, very few of the sections of this REVIEW have been produced by a single person. The standard bills were drafted and the leaflets accompanying them were written by various workers over a period of several years. The compilation and revision of this material and the writing of the historical portion of each section is largely the joint work of Miss Margarett A. Hobbs and Mr. Solon De Leon, both of the Association staff.

JOHN B. ANDREWS, *Secretary,*
American Association for Labor Legislation.

I

ORGANIZATION

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American Association for Labor Legislation

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	ROBERT A. WOODS, Boston

ORGANIZATION

In connection with the Paris Exposition of 1900 there was held a Congress on Labor Legislation, attended by representatives from many countries including the United States. At this congress it was decided to form an International Association for Labor Legislation, whose purpose, as stated in its constitution, was, first of all, "to serve as a bond of union to those who, in the different industrial countries, believe in the necessity of protective labor legislation." It was also to organize an International Labor Office which should publish in English, French and German a periodical bulletin of labor laws of all countries; to facilitate the study of labor legislation and of its operation; to promote international uniformity of labor laws and the gathering of international labor statistics; and to hold international congresses on labor legislation.

The International Association has amply carried out these aims. The *Bulletin*, launched as a quarterly in 1902, has now become a monthly, of which editions are published in the three languages specified. Numerous special reports and publications have appeared, seven international congresses have been held, and fifteen national sections, including that in the United States, have been organized. Two international treaties, one prohibiting the use of poisonous phosphorus in matches, and the other forbidding the industrial work of women at night, have been signed by most of the European countries.

Work toward the formation of an American Section was initiated in 1902 when the Board of the International Association began efforts to make its object known in the United States and to form connections with interested individuals. A number of correspondents and direct members were gained, who, in December, 1905, met in connection with the annual meeting of the American Economic Association at Baltimore and decided that the time was ripe for organization. A committee appointed to draw up by-laws called a meeting in New York on February 15, 1906, and on that date the American Association for Labor Legislation was launched. Among those present at the initial meeting were the following twenty-one persons, who became charter members:

Kate Bond	Owen R. Lovejoy
Alfred Boulton	Helen Marot
John F. Busche	Francis J. C. Moran
Edward T. Devine	Bertha A. Rosenfeld
Richard T. Ely	Harriet Seager
Henry W. Farnam	Mary K. Simkhovitch
Robert Hunter	Charles Sprague Smith
Alvin S. Johnson	Mary A. Van Kleeck
Harriette A. Keyser	Adna F. Weber
John Brooks Leavitt	H. B. Woolston

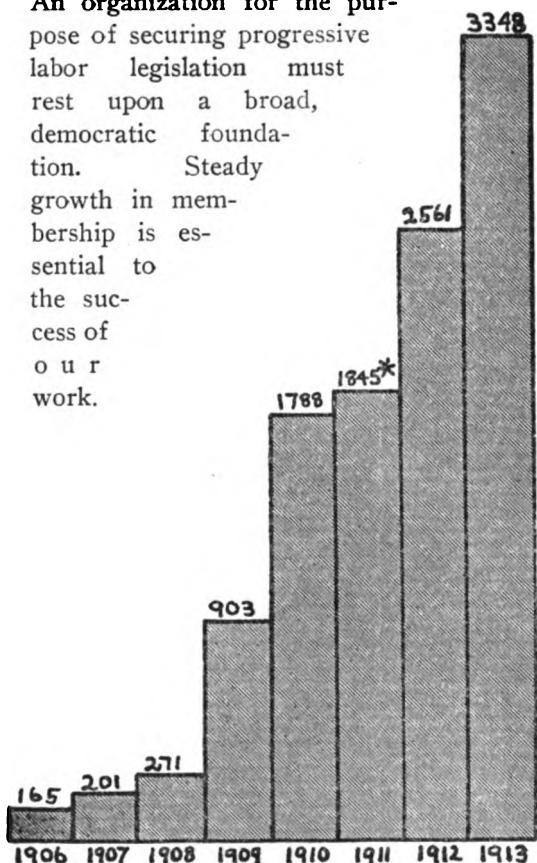
Samuel McC. Lindsay

A number of other persons were present, but failed to make themselves known to the secretary of the meeting. Richard T. Ely of the University of Wisconsin was elected president of the Association, and Dr. Adna F. Weber of the New York State Department of Labor, secretary. The constitution adopted, which will be found in full on pages 517-519, declared the purposes of the organization to be, besides serving as the American branch of the International Association, the promotion of uniformity of labor legislation in the United States and the encouragement of studies of labor conditions with a view to promoting desirable measures.

By the end of the first year the membership had grown from twenty-one to 165, and at the time of the First Annual Meeting in Madison, Wisconsin, December, 1907, it was just over 200. The organization was, however, comparatively inactive, and it was not until 1908, under the direct encouragement of Professor Henry W. Farnam who was then president, that real constructive work was begun. Early in 1909 the full time services of a salaried secretary were secured, and from this point the increase of the Association both in size and in activity was rapid. In 1910 there were 1788 members and on January 1, 1914, there were 3348, representing nearly every state and territory, and also the Canal Zone, Cuba, Porto Rico, Hawaii, the Philippines, Canada, and several European countries. The work of the Association is supported entirely by membership dues and by additional voluntary contributions. The minimum annual membership fee for individuals was \$1 until 1911, when its increase to \$3 was accompanied by a gain in membership for the year. Associate members pay \$5 to \$25; contributing members, \$25 to \$100; and sustaining mem-

GROWTH OF MEMBERSHIP, 1906-1913

An organization for the purpose of securing progressive labor legislation must rest upon a broad, democratic foundation. Steady growth in membership is essential to the success of our work.



bers, \$100 or more. At the beginning, the headquarters of the Association were in Albany, New York. In March, 1908, they were moved to Madison, Wisconsin, and early in 1910 to New York city, where they have since remained and where the growth of the Association during 1911 and 1912 necessitated removal to larger offices.

Following Professor Ely who held the office in 1906 and 1907, the Association has had as presidents Professor Henry W. Farnam of Yale University, 1908 to 1910 inclusive; Professor Henry R. Seager of Columbia University, 1911, 1912 and 1914; and Professor William F. Willoughby of Princeton University, 1913. Secretaries have

been Dr. Adna F. Weber, 1906; Professor John R. Commons of the University of Wisconsin, 1907 to 1909, inclusive; and Dr. John B. Andrews, who was executive secretary in 1909 and was then elected secretary, which post he still fills. Since 1909, also, the Association has had as assistant secretary Irene Osgood Andrews. There is a large General Administrative Council composed of the officers and of prominent economists, social workers, labor representatives and progressive business men, which holds

* Minimum dues increased from \$1 to \$3, Jan 1, 1911.

two meetings yearly, one in connection with the annual meeting, and the other generally in Chicago in mid-summer. The Executive Committee, in which is vested the responsible business management of the Association, is chosen from among the members of the General Administrative Council. The annual meeting occurs in December usually along with those of other related scientific societies, and it has been the custom to hold one joint session each year with either the American Economic Association or the American Political Science Association.

As the membership and resources of the Association have grown it has been possible to increase the staff of workers and greatly to extend the scope of activities. In 1908 its scheme of work was classified under the heads of (1) collection and classification of data on legislation and judicial decisions, (2) investigation, and (3) publicity. By 1912 this had expanded into the following division of work: (1) organization, (2) investigation, (3) education, (4) legislation. Much of the Association's investigation has been carried on under the direction of its special standing committees, of which there have been eight in addition to the Executive Committee. The oldest one, that on Industrial Hygiene, was formed in 1908, and has two sub-committees, on Brass Poisoning and on Nomenclature of Occupations. At the annual meeting in 1909 the Committees on Workmen's Compensation and Woman's Work were appointed. In 1911 there were added those on Standard Schedules and Tabulations, on Enforcement of Labor Laws and on One Day of Rest in Seven, which latter also deals with the length of the working day in continuous industries. The American Section of the International Association on Unemployment was first organized in 1911 as a special committee of the Association and has always worked in close affiliation with it. In 1913 was established the Committee on Social Insurance with which later in the same year the Committee on Workmen's Compensation was merged.

A Bureau of Information has been maintained and has answered thousands of inquiries on practically every subject within the field of labor legislation. A specialized reference library has been collected and has been kept in constant use by the office staff, members, and other inquirers. A photographic exhibition on industrial diseases has been sent to different parts of the country

and has attracted much attention. A press service has been established and frequent articles on some phase of the Association's activities are sent out to a list of publications which has come to include over 900 newspapers, magazines and trade journals. Each year a number of public addresses are made by members of the staff, who have also appeared before legislative committees and at the hearings of public commissions.

Subscribers to the publications issued by the Association include, besides its members, a large number of labor and health bureaus, industrial commissions, manufacturing and insurance companies, trade unions, civic and social organizations, women's clubs, and university and public libraries. A monthly department on Labor Legislation in *The Survey* was started, and since January, 1911, the Association has issued its own quarterly **AMERICAN LABOR LEGISLATION REVIEW**. A large number of special leaflets, pamphlets, tables and compilations of laws have also been published, and are listed at the end of each of the following sections.

The Association has been active in the promotion of conferences on special phases of its work. Examples of these are the two conferences on Industrial Diseases, in June, 1910 and 1912, the First National Conference on Social Insurance in June, 1913, and the First National Conference on Unemployment in February, 1914. It has been regularly represented at the meetings of the International Association for Labor Legislation and at international meetings on allied subjects, notably at the International Congresses on Occupational Diseases, on Unemployment, and on Social Insurance.

An "Immediate Legislative Program" was first drawn up in 1911, and the drafting of bills, in which the Association usually works in cooperation with the Legislative Drafting Research Fund of Columbia University, has come to play a more and more important part among its activities. Closely connected with the Association's legislative campaigns is the work of its state branches and committees. The constitution was amended in 1907 to permit such organizations and the earliest one, that in Illinois, was formed in the following year. Others have been established in Minnesota, 1909, New York, 1909 (changed to New York Legislative Committee in 1912), and in Massachusetts, 1912. Informal state committees have also been organized in several states.

These local bodies have done good work in securing legislation suited to the special needs of their various localities. In Illinois the branch was influential in securing the workmen's compensation law, and largely through its efforts there was established the Illinois Commission on Occupational Diseases, whose pioneer investigation led to the enactment of a scientific law for the prevention of trade maladies. The branch was also active in opposing an amendment to the child labor law desired by the theatrical interests, and in upholding before the courts the ten-hour law for women when its constitutionality was attacked. The Massachusetts branch has assisted in securing the creation of the state board of labor and industries, and in obtaining a one-day-of-rest-in-seven law as well as a number of important amendments in the workmen's compensation act. Among the measures successfully introduced or supported by the Minnesota branch are those on workmen's compensation, reporting of occupational diseases, child labor, and minimum wage; the minimum wage law, drafted by the branch, is in some respects the most democratic in the country. In New York the local branch, now the legislative committee, took an active part throughout the long campaign which has finally resulted in the enactment of an adequate compulsory workmen's compensation law. Laws for the reporting of occupational diseases and for one day's rest in seven were also secured, and a close watch has been kept on all bills introduced which affect labor conditions, progressive measures being energetically supported while unsatisfactory ones are opposed. Sympathetic assistance has also been given to the state labor department in its difficult task of enforcing the law. The officers of the branches in 1914 were: Illinois, Professor James H. Tufts, president; Luke Grant, secretary; Massachusetts, Professor F. W. Taussig, president; Robert N. Turner, secretary; Minnesota, John A. Ryan, president; Don D. Lescohier, secretary; New York Legislative Committee, John Martin, chairman.

By an extensive distribution of letters and of printed matter the purposes of the Association and the need for its existence have been explained, and the number of those interested in its work have been correspondingly increased. A leaflet of general explanation and appeal was first issued in March, 1908, and many editions and revisions have followed.

CONSTITUTION
OF THE
AMERICAN ASSOCIATION FOR LABOR LEGISLATION

ADOPTED FEB. 15, 1906

Amended Dec. 30, 1907; Dec. 30, 1908; Dec. 29, 1909; Dec. 29, 1910.

ARTICLE I. NAME.

This Society shall be known as the American Association for Labor Legislation.

ARTICLE II. OBJECTS.

The objects of this Association shall be:

1. To serve as the American branch of the International Association for Labor Legislation, the aims of which are stated in the appended Article of its Statutes.
2. To promote uniformity of labor legislation in the United States.
3. To encourage the study of labor conditions in the United States with a view to promoting desirable labor legislation.

ARTICLE III. MEMBERSHIP.

Members of the Association shall be elected by the Executive Committee. Eligible to membership are individuals, societies and institutions that adhere to its objects and pay the necessary subscriptions. The minimum annual fees for individuals shall be three dollars, or five dollars if the member wishes to receive the Bulletin of the International Association. In states in which there is a State Association $\frac{1}{2}$ of the dues shall be paid over to the State Association. The minimum annual fee for societies and institutions shall be five dollars, and they shall receive one copy of the Bulletin, and for each two-dollar subscription an additional copy.

ARTICLE IV. OFFICERS.

The officers of the Association shall be a president, ten vice-presidents, a secretary and a treasurer. There shall also be a General Administrative Council consisting of the officers and not less than twenty-five or more than one hundred persons. The General Administrative Council shall have power to fill vacancies in its own ranks and in the list of officers; to appoint an Executive Committee from among its own members, and such other committees as it shall deem wise; to frame by-laws not inconsistent with this constitution; to choose the delegates of the Association to the Committee of the International Association; to conduct the business and direct the expenditures of the Association. It shall meet at least twice a year. Eight members shall constitute a quorum.

ARTICLE V. LOCAL SECTIONS.

Local Sections of this Association may be constituted in any state upon certification by the secretary and the Executive Committee. They shall, until

changed by section seven, be governed by the following by-laws:

SEC. 1. The name of this organization is the [Name of State] Association for Labor Legislation.

SEC. 2. Eligible to membership are members of the American Association for Labor Legislation residing in_____. Members of the American Association for Labor Legislation became members of this Association by vote of the Executive Committee of this Association.

SEC. 3. The purpose of this Association is to promote the work of the American Association for Labor Legislation in general, also in special relation to the needs of the state of_____.

SEC. 4. The Officers of this Association shall be a president, a vice-president, a secretary, and a treasurer, who, with three or more other members, shall constitute the Executive Committee.

SEC. 5. The Executive Committee shall administer the affairs of the Association and report at annual or called meetings of members of the Association. It shall be the duty of the Executive Committee to arrange programs for discussion of members, to institute and direct investigations, to take measures to increase the membership of the American Association for Labor Legislation, to promote publicity of the policies and recommendations of the American Association for Labor Legislation by publications and meetings.

SEC. 6. An annual meeting of the section for election of officers and for other business shall be held in October or November of each year.

SEC. 7. These by-laws may be amended at any annual or called meeting of the Association, notice of the proposed amendment having been sent to each member at least one month in advance.

ARTICLE VI. MEETINGS.

The annual meeting and other general meetings of members shall be called by the General Administrative Council and notice thereof shall be sent to members at least three weeks in advance. Societies and institutions shall be represented by two delegates each. The annual meeting shall elect the officers and other members of the General Administrative Council.

Meetings of the General Administrative Council shall be called by the Executive Committee. Notice of such meetings shall be sent to members of the Council at least three weeks in advance.

Amendments to the constitution, after receiving the approval of the General Administrative Council, may be adopted at any general meeting. Fifteen members shall constitute a quorum.

ARTICLE II OF THE STATUTES OF THE INTERNATIONAL ASSOCIATION DEFINING THE AIMS OF THE ASSOCIATION.

1. To serve as a bond of union to those who, in the different industrial countries, believe in the necessity of protective labor legislation.

2. To organize an International Labor Office, the mission of which will be to publish in French, German and English a periodical collection of labor

laws in all countries, or to lend its support to a publication of that kind. This collection will contain:

- (A) The text or the contents of all laws, regulations and ordinances in force relating to the protection of workingmen in general, and notably to the labor of children and women, to the limitation of the hours of labor of male and adult workingmen, to Sunday rest, to periodic pauses, to the dangerous trades;
- (B) An historical exposition relating to these laws and regulations;
- (C) The gist of reports and official documents concerning the interpretation and execution of these laws and ordinances.

3. To facilitate the study of labor legislation in different countries, and, in particular, to furnish to the members of the Association information on the laws in force, and on their application in different states.

4. To promote, by the preparation of memoranda or otherwise, the study of the question how an agreement of the different labor codes, and by which methods international statistics of labor may be secured.

5. To call meetings of international congresses of labor legislation.

BY-LAWS

1. *Committees.* The Council shall elect an Executive Committee, as well as Committees on Finance, Legislation, and Publicity, and such other committees as occasion may require.

2. *Powers of the Executive Committee.* The Executive Committee shall exercise, subject to the General Administrative Council, the powers of the Council in the intervals between its sessions.

3. *International Obligations.* The Executive Committee shall choose the members of Committees and Commissions and the reporters required by votes of the International Association.

II

OCCUPATIONAL HYGIENE

Committee on Industrial Hygiene

W. GILMAN THOMPSON, *Chairman*

Professor, Medicine, Cornell University Medical College
Author, *The Occupational Diseases*

WARREN COLEMAN

Visiting Physician, Bellevue and Allied Hospitals, New York

CHARLES L. DANA

Professor, Nervous Diseases, Bellevue Hospital Medical College
Professor, Cornell University Medical College

DAVID L. EDSALL

Professor, Harvard Medical College
Physician, Massachusetts General Hospital

HENRY BAIRD FAVILL

Professor, Medicine, Chicago Polyclinic
President, Chicago Tuberculosis Institute

IRVING FISHER

Professor, Political Economy, Yale University
Chairman, Committee of One Hundred on National Health

Alice HAMILTON

Expert, United States Bureau of Labor Statistics
Former Expert, Illinois Commission on Industrial Diseases

LEONARD W. HATCH

Statistician, New York State Department of Labor

JOHN H. HUDDLESTON

Member, National Association for Study and Prevention of Tuberculosis

WALTER G. HUDSON

Physician, E. I. du Pont de Nemours Powder Company

GEORGE M. PRICE

Director of Investigations, New York State Factory Investigating Commission
Author, *The Modern Factory*

LINSLEY R. WILLIAMS

Deputy Commissioner, New York State Department of Health

CHARLES-EDWARD A. WINSLOW

Professor, Biology, College of the City of New York
Chairman, New York State Commission on Ventilation

JOHN B. ANDREWS, *Secretary*

Secretary, American Association for Labor Legislation
Author, *Phosphorus Poisoning in the Match Industry, Lead Poisoning in New York, etc.*

OCCUPATIONAL HYGIENE

To no part of its program for the better protection of industrial workers has the American Association for Labor Legislation devoted more attention than to occupational hygiene. As early as 1908 it appointed a national commission on industrial hygiene, and the following year it issued a special leaflet outlining the proposed investigation of occupational diseases. In 1909, also, it began its nation-wide investigation of phosphorus poisoning in the match industry, the results of which were published a year later by the United States Bureau of Labor. This report was among the first to arouse American public attention to the fact that occupational diseases existed in this country as well as in Europe, and required immediate consideration. Within a month the Association had introduced a bill in Congress levying a prohibitive tax upon matches made of poisonous phosphorus, and on April 9, 1912, after two years of spirited educational campaigning and several hearings before Congressional committees, the "phossy jaw" bill was signed by President Taft. This use of the taxing power for the protection of industrial workers was the first instance in America of the use of taxation for reform instead of for politics. A measure specifically prohibiting poisonous phosphorus matches was enacted in Canada in 1914, with the Association's assistance.

The First National Conference on Industrial Diseases met at the call of the Association in Chicago on June 10, 1910. "The present situation of our Association," said Professor Henry W. Farnam of Yale University, then president, in his opening address, "is like that of a watchman on a high tower. He does not know exactly how the attack is to be made but he knows enough to justify him in giving the alarm and in advising that scouts be sent out to ascertain more precisely the strength and position of the foe. In this warfare against industrial diseases we need the cooperation of many different people. This is a warfare in which science, labor, business enterprise and the government must all unite."

Addresses were delivered by experts and leaders in many fields of investigation, and at the close of the conference as an expression of the spirit of those who had attended from widely separated parts

of the United States, the following resolution was unanimously adopted:

Resolved, That a special committee of five, who shall have power to add to their number, be herewith appointed by the president of the American Association for Labor Legislation to call upon the President of the United States and present to him at an early date a carefully prepared memorial of facts and conclusions, emphasizing the urgent necessity and practical expediency of a national expert inquiry into the whole subject of industrial or occupational diseases—their relative degree of frequency in various trades and occupations, the causes responsible for their occurrence, the methods desirable and practicable for their prevention or diminution, and all other matters having a relation thereto, including methods of amelioration and relief.

MEMORIAL ON OCCUPATIONAL DISEASES

In accordance with the resolution, the following committee was appointed: Henry Baird Favill, M.D., president Chicago Tuberculosis Institute, chairman; Frederick L. Hoffman, statistician Prudential Insurance Company of America, Newark; David L. Edsall, M.D., of Philadelphia; Frederick N. Judson, of St. Louis; and Charles R. Henderson, University of Chicago, secretary Illinois Commission on Occupational Diseases.

The committee promptly organized, and on September 29 was able to present its memorial to the President. Although hampered by lack of official American statistics on sickness, the committee estimated, on the basis of the German experience, that among 33,500,000 occupied persons in the United States there were lost every year 284,750,000 days through illness, at an economic loss of \$772,892,860. Assuming that at least one-quarter of the illness was due to strictly preventable causes, it was estimated that by deliberate efforts no less than \$193,000,000 could be saved to the nation annually. Plans were presented for further study by a commission of experts representing preventive medicine, medical practice, sanitary engineering, industrial chemistry, and applied statistics. The United States Bureau of Labor at this time extended its work in the field of industrial hygiene and shortly thereafter arranged for continuous investigations of occupational poisons.

REPORTING OF DISEASES

Feeling that proper progress in combating industrial disease could not be made without official data, the Association in November, 1910,

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In General. The *medical certificate* on the right-hand side at, Louis, physician alone can furnish. The *personal and statistical parts*, Boston, *lars* on the left-hand side must be secured by the physician *etc.* from the patient, or, in fatal cases, from the family precisely as is devoted to similar information in certificates of death sent to boards of health by such

Present Occupation. Precise statement of occupation is very important so that the relative healthfulness of various pursuits may be known. It is necessary to know both general trade or profession. These (for example, *printer* or *brass worker*) and also the particular kind of work or branch of the trade (as *hand compositor* or *linotype operator* for a printer, or *polisher* or *buffer* for a brass worker), and re-

Date of entering present occupation is important to determine how long the worker may have been exposed to the hazard before contracting the disease.

Employer's name, address and business are necessary to officials, certain distribution of occupation diseases by industries, and certain trades (e. g., machinists) being common to different industries.

Previous Occupations need to be known, if possible, because present illness may be due to a former, rather than present occupation, and industrial disease is frequently a cause of change in America, of these

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occupation. Give simply the name of each distinct occupation
which the patient may have followed, with the year he entered,
and the year he left, each one.

Previous Illnesses. This refers either to previous attacks of
present disease, or to any other disease, *due to occupation*. All
that is required is the name of each such disease or illness with the
year in which it occurred. Such information, when it can be se-
cured, will show whether the case reported is the first attack or
not, and when combined with statement of previous occupations,
will afford an outline history of the patient as to occupational
disease.

Medical Certificate. Only the last two items specified for this
require any explanation. In making these reports it is necessary
to consider the possible influence of factors other than occupation
as causes of the disease. For this reason any *complicating diseases*
should be noted, such, for example, as alcoholism or syphilis in
connection with arteriosclerosis in cases of lead or other metal
poisoning. The possible effect of other factors, such as poor hy-
gienic conditions in the home, or other personal conditions, must
be considered, and when discoverable should be noted under
additional facts.

began its propaganda for the compulsory reporting of diseases due to occupation. In March, 1911, the first American law on this subject was secured in California, and was quickly followed by similar legislation in five additional states. Within five years, as the result of vigorous and sustained effort, fifteen states¹ require physicians to report cases of occupational disease coming under their notice, and no fewer than nine² of these states have adopted the Association's standard certificate or reporting blank for occupational diseases. An appeal for a clinic and hospital for such diseases, issued in 1910, indicates another phase of the Association's activity.

FURTHER PUBLIC DISCUSSIONS

At the Fourth, Fifth, and Sixth Annual Meetings (St. Louis, December 28-29, 1910; Washington, December 28-30, 1911; Boston, December 27-28, 1912) a large part of the sessions was devoted to industrial hygiene problems, addresses being delivered by such recognized authorities as Dr. Alice Hamilton, Frederick L. Hoffman, and S. C. Hotchkiss of the United States Bureau of Mines. These addresses and the keen discussions which followed them were later published in full in the proceedings of the meetings, and received wide circulation. The Second National Conference on Industrial Diseases, held at Atlantic City, June 3-5, 1912, was attended by practicing physicians, state and federal public health officials, medical inspectors of factories, physiologists, investigators and statisticians, manufacturers, efficiency engineers, insurance experts, labor leaders, economists and social workers. Through an industrial hygiene exhibit, the first extensive display of its kind in America, industrial processes dangerous to health, and the results of these peculiar work hazards upon those subjected to them were graphically placed before the audience, many of whom thus learned for the first time of the devastating effects of "phossy jaw," lead poisoning, compressed-air illness and numerous occupational eye and

¹ California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania and Wisconsin.

² California, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio and Wisconsin.

MAIN PROVISIONS OF EXISTING LAWS RELATIVE TO REPORTING OF OCCUPATIONAL DISEASES*

STATE	DISEASES TO BE REPORTED	REPORTS TO INSURANCE	TO WORKERS TO REPORT	PENALTY
California C. 485, Laws 1911. In effect, June 20, 1911.	Anthrax, compressed air illness, and poisoning from lead, phosphorus, arsenic, or mercury, or their compounds.	Name and full postal address and place of employment of the patient, and the disease.	State Board of Health and thereby transmitted to the State Commissioner of Labor.	Not more than \$10.
Connecticut C. 159, Acts 1911. In effect, Sept. 1, 1911. And by C. 14, Laws 1913. In effect, April 22, 1913.	Same as California, and brass and wood-alcohol poisoning.	Same as California.	State Commissioner of Labor.	Same as California.
Illinois H. B. 250, Laws 1911. In effect, July 1, 1911.	Law is obscure, but apparently includes poisoning from "sugar of lead, white lead, lead chromate, litharge, red lead, arseniate of lead or paris green," and "the manufacturer of brass or the smelting of lead or zinc."	Name, address, sex and age of employee; name, of employer and last place of employment; nature, probable extent and duration of the disease.	State Board of Health, and thereby transmitted to State Department of Factory Inspection.	First offense, \$10 to \$100; subsequent offense, \$50, to \$200.
Maine C. 82, Laws 1913. In effect, July 11, 1913.	Same as California (and "any other ailment or disease contracted as a result of" the patient's employment).	Same as California (and "the nature of the occupation", and "such other specific information as may be required by the State Board of Health").	State Board of Health.	\$5-\$10.
Maryland C. 165, Laws 1912. In effect, Apr. 8, 1912.	Same as Maine.	Same as Maine.	Same as California.	Same as California.
Massachusetts C. 813, sec. 6, Laws 1913. In effect, June 16, 1913.	"Any ailment or disease contracted as a result of the nature of the patient's employment"—if required by the joint board of the State Board of Labor and Industries and the Industrial Accident Board.	To be determined by the joint board.	State Board of Labor and Industries, and thereby transmitted—upon request—to the State Board of Health and the Industrial Accident Board.	Not more than \$100 for each offense.
Michigan No. 119, Acts 1911. In effect, Aug. 1, 1911.	Same as California.	Same as California (and "the length of time of such employment").	Same as California.	Not more than \$50.
Minnesota C. 21, Laws 1913. In effect, July 1, 1913.	Same as California.	Same as California, (and "such other specific information as may be required by the Commissioner of Labor.	Commissioner of Labor.	\$10, or imprisonment for not more than 10 days.

Missouri
 "Assuming brass, copper, lead, mercury, phosphorus, zinc, their alloys or salts or any poisonous chemicals, minerals, acids, fumes, vapors, gases, or other substances".
 H. B. 536, Laws 1913.
 In effect, June 23, 1913.

New Hampshire C. 351, Laws 1912. In effect, July 4, 1912.	Same as California.	"Name, address and occupation of the patient, name, address and business of the employer, nature of the disease, and such other information as the state board of health may reasonably require".	Same as California.	For each offense, \$5.
New Jersey C. 118, Laws 1913. In effect, June 1, 1913.	Same as California.	Same as Maryland.	Same as California.	For each offense, \$25.
	C. 351, Laws 1912. In effect, July 4, 1912.	Lead poisoning.	Same as New Hampshire (and "probable extent of disease".)	For each offense \$50.
	C. 162, Laws 1914. In effect, Oct. 1, 1914.	Lead poisoning.	Same as California ("with such other and further information as may be required by the Commissioner of Labor").	Same as California.
New York C. 258, Laws 1911. In effect, Sept. 1, 1911. Am'd by C. 145, Laws 1913. In effect, Oct. 1, 1913.	Same as Connecticut.	Same as Connecticut, (and "any other ailment or disease contracted as a result of" the patient's employment).	Same as New Hampshire.	None.
Ohio H. B. 187, Laws 1913. In effect, April 23, 1913.	Lead poisoning.	Same as above (and "probable extent of disease").	State Board of Health, thereby transmitted to "the proper official having charge of factory inspection".	State Board of Health, and the employer.
H. B. 483, Laws 1913. In effect, Oct. 1, 1913.	Lead poisoning.	Same as New Hampshire (and "probable extent of disease").	State Department of Factory Inspection, State Board of Health, and the employer.	\$10-\$100.
Pennsylvania No. 851, Laws 1913. In effect, Oct. 1, 1913.	Lend poisoning.	Same as California.	State Department of Labor and Industry, State Department of Health, and the employer.	\$10-\$100.
Wisconsin C. 252, Laws 1911. In effect, June 5, 1911.	Same as California (except that "anthrax" is omitted).	Same as California.	State Board of Health.	Same as California.

* In all states except Illinois, Missouri and Pennsylvania the obligation to report falls upon every medical practitioner or physician; in the three states named (and in Ohio and in New Jersey under the second of the two acts above analyzed for each state) it falls upon any physician making the required monthly examination of employees in certain specified industries. In all states except California and Connecticut, where a fee of fifty cents is allowed, no compensation for reports is paid by the state.

Table prepared for the American Association for Labor Legislation, 131 East 23rd Street, New York City.

skin diseases. The photographs, charts and drawings were effectively supplemented by stereopticon illustrations made by a new process in color photography. Finally, through the medium of a joint meeting with the American Medical Association, that powerful organization, for the first time in the sixty-six years of its existence, was definitely pledged to official recognition of the industrial disease problem and to giving it a place on its annual program.

THE LEAD MENACE

Following its successful campaign against poisonous phosphorus in the match industry, the Association next turned its attention to the lead menace which hangs over 150 common trades and occupations. In December, 1911, the secretary's report on *Lead Poisoning in New York* was published by the federal Bureau of Labor. A special investigator, Miss Lillian Erskine, was also put in the field, whose studies, supplemented by numerous round table conferences with representative paint and color manufacturers, matured into the well-named "cleanliness bill" for the prevention of occupational diseases, with special reference to lead poisoning. This measure became law in Ohio and in Pennsylvania in 1913, and in 1914, after numerous supplementary studies among smelter, white lead and pottery employees, was adopted in New Jersey.

COMPRESSED AIR AND FERROSILICON

Early in 1914 a series of conferences was begun which resulted in the drafting of a standard bill for the protection of tunnel and caisson workers from compressed-air illness. As it left the conference, the project had the endorsement of contractors, physicians and labor department inspectors as well as of the "sand-hogs" themselves, and was enacted without change in New Jersey before the close of the legislative session. A special investigation into the nature and dangers of ferrosilicon was carried on through the cooperation of Professor Charles Pellew, during 1914, and the report in printed form will be submitted to the International Association for Labor Legislation at its next meeting.

THE COMPENSATION MOVEMENT

It is now recognized on all sides that the chief aim of laws for the compensation of injured workmen is not the mere payment of a

money indemnity but the prevention of the disabling injury. In order to secure the powerful assistance of this type of legislation in its campaign for the reporting and prevention of trade illnesses, the Association has embodied in its *Standards for Workmen's Compensation Laws*, and also in its bill now before Congress for the compensation of federal employees, the principle that diseases due to occupation are to be compensated on the same terms as accidents. In promoting this campaign of education and legislation the Association distributed ten thousand copies of a pamphlet on *Compensation for Occupational Diseases* prepared by the secretary.

OCCUPATIONAL DISEASE COMMITTEE

The Association's Committee on Industrial Hygiene for 1914 includes in its membership many of the foremost physicians, chemists, economists, investigators and statisticians in the country. Dr. W. Gilman Thompson, of Cornell Medical School, is chairman, and with him are associated Dr. Warren Colemen, Bellevue and Allied Hospitals; Dr. Charles L. Dana, Cornell University Medical College; Dr. David Edsall, Harvard Medical College and Massachusetts General Hospital; Dr. Henry B. Favill, Chicago Tuberculosis Institute; Professor Irving Fisher, Yale University; Dr. Alice Hamilton, United States Bureau of Labor Statistics; Leonard W. Hatch, New York Department of Labor; Professor C.-E. A. Winslow, New York City College; Dr. George M. Price, Dr. John H. Huddleston, Dr. Linsley R. Williams and Dr. Walter G. Hudson, of New York City; and John B. Andrews, secretary. Under the committee's guidance a condensed nomenclature of occupations for the use of hospitals and dispensaries is being drafted, plans are under formulation for an occupational disease clinic, and the secretary is at work on an investigation of occupational anthrax in America. Much interest was also taken in the campaigns for the establishment of a federal museum of industrial safety and hygiene and for the branding of wood alcohol as a poison. Members of the committee have also made trips of inspection to several hat factories and brass foundries.

To the research staff of the Association has been added a physician, under whose direction a number of cooperative investigations of industrial health risks are in progress.

COOPERATION WITH OTHER ORGANIZATIONS

Throughout its work in the industrial hygiene field the Association has worked in close cooperation with other organizations both in America and abroad. Together with other national sections of the International Association for Labor Legislation, it has assisted in drafting and revising from time to time the international list of industrial poisons. This list was published in Bulletin 100 of the United States Bureau of Labor (May, 1912), and contained, besides the names of the fifty-four main poisons, the branches of industry in which the poisoning occurred, the mode of entrance into the body, the symptoms, and special measures of relief. The list has repeatedly been republished in this country by other organizations, recently by the Ohio State Board of Health. In addition to holding its own meetings on industrial hygiene, the Association was represented at the International Congress on Occupational Diseases at Brussels in 1910, at the third International Congress on Medical Accidents, at Düsseldorf, Germany, in August, 1912; at the fifteenth International Congress of Hygiene and Demography at Washington, in September of the same year; at the annual meeting of the American Public Health Association at Colorado Springs, Colo., in September, 1913; and is regularly represented in the annual sessions of the National Conference of Charities and Correction. Calls for lectures by members of the staff are frequent, and the industrial hygiene department of the library is in almost daily use by students of the problem. The Association's special exhibit on industrial hygiene was loaned during 1913 in Ohio, Maryland and New York, and is on constant exhibition at headquarters, where it arouses much interest. Photographs and illustrations are continually being loaned to individuals, societies, magazines and newspapers.

PUBLICATIONS

In the course of its industrial hygiene campaign, the following reports and leaflets have been issued by the Association:

March 1909—Leaflet No. 1, on Industrial Hygiene (1 p.).

May 1910—Report on Phosphorus Poisoning, by the secretary, published by United States Bureau of Labor (115 p.).

May 1910—Pamphlet on Industrial Diseases and Occupational Standards (9 p.).

July 1910—Proceedings of First National Conference on Industrial Diseases. Introductory address (3 p.); Importance of Industrial Hygiene (2 p.); Phosphorus Poisoning in Manufacture of Matches (8 p.); Occupational Diseases in Illinois (8 p.); Lead Poisoning (13 p.); Problem and Extent of Industrial Diseases (18 p.).

August 1910—Review of Labor Legislation of 1910, containing Health (2 p.).

November 1910—Appeal for clinic and hospital for occupational diseases (1 p.).

January 1911—Leaflet No. 4, urging compulsory reporting of occupational diseases (4 p.).

January 1911—Proceedings of Fourth Annual Meeting, containing Lead Poisoning in Illinois (10 p.); Neurosis in Garment Workers (7 p.); Industrial Diseases in America (6 p.); Mercurial Poisoning in New York and New Jersey (5 p.); Medical Inspection of Factories (2 p.); Memorial on Occupational Diseases (19 p.).

February 1911—Leaflet No. 5, on "Phossy Jaw" (4 p.).

April 1911—Pamphlet on Industrial Diseases and Physicians (7 p.).

June 1911—Analysis of Comfort, Health and Safety Laws in Factories (60 p.); Legal Protection from Injurious Dusts (7 p.); Ventilation—Air Space, Humidity and Temperature (4 p.); Factory Lighting (4 p.); Protection from Gases, Fumes and Vapors (2 p.).

July 1911—Pamphlet on Diseases of Occupation (7 p.).

October 1911—Review of Labor Legislation of 1911, containing Accidents and Diseases (52 p.).

November 1911—Pamphlet on Protection against Occupational Diseases (6 p.).

December 1911—Pamphlet on The Beginning of Occupational Disease Reports (7 p.).

December 1911—Leaflet on A Match Worker (1 p.).

December 1911—Report on Lead Poisoning in New York, by secretary, published by United States Bureau of Labor (23 p.).

December 1911—Standard certificate for occupational disease reports (2 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing Occupational Diseases in the Mining Industry (9 p.).

February 1912—Leaflet No. 6, on Phosphorus Poisoning (8 p.).

June 1912—Proceedings of Second National Conference on Industrial Diseases. Classification of Occupational Diseases (7 p.); Compressed Air Illness (14 p.); Occupational Skin Diseases (11 p.); Occupational Nervous and Mental Diseases (6 p.); Occupational Eye Diseases (8 p.); Industrial Poisoning (4 p.); Cooperation in Promoting Industrial Hygiene (7 p.); Intensive Investigations in Industrial Hygiene (9 p.); Compulsory Reporting by Physicians (9 p.); Lead Poisoning in New York City (8 p.); Function of Hospitals and Clinics in the Prevention of Industrial Disease (4 p.); Temperature and Humidity in Factories (8 p.); Air Impurities—Dusts, Fumes and Gases (7 p.); Effects of Confined Air upon the Health of Workers

(5 p.) ; Education for the Prevention of Industrial Diseases (10 p.) ; Notification of Occupational Diseases (7 p.) ; Medical Inspection of Factories in Illinois (4 p.) ; Compressed Air Illness in Caisson Work (6 p.) ; Legal Protection for Workers in Unhealthful Trades (7 p.) ; Bibliography on Industrial Hygiene (48 p.).

October 1912—Review of Labor Legislation of 1912, containing Accidents and Diseases (20 p.).

December 1912—Immediate Legislative Program, containing Protection from Lead Poisoning (7 p.) ; Uniform Reporting of Accidents and Diseases (18 p.) ; Investigations into Industrial Hygiene and Safety (4 p.).

January 1913—Leaflet No. 8, on Uniform Reporting of Occupational Diseases (4 p.).

January 1913—Leaflet No. 9, on Prevention of Occupational Diseases with Special Reference to Lead Poisoning (8 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Proposed Regulations for the Protection of Lead Workers (4 p.) ; Needed Legislative Changes Requiring the Notification of Accidents and Diseases (6 p.).

February 1913—Leaflet on The Cleanliness Bill (1 p.).

March 1913—Leaflet, Demand Immediate Passage of Bill to Prevent Lead Poisoning (1 p.).

March 1913—Leaflet on Lead Poisoning (1 p.).

June 1913—Pamphlet on Occupational Diseases and Legislative Remedies (16 p.).

October 1913—Review of Labor Legislation of 1913, containing Accidents and Diseases (49 p.).

November 1913—Leaflet No. 13. on Protection for Compressed Air Workers

January 1914—Table of Main Provisions of Existing Laws Relative to Reporting Occupational Diseases (1 p.).

October 1914—Review of Labor Legislation of 1914, containing Accidents and Diseases (19 p.).

UNIFORM REPORTING OF OCCUPATIONAL DISEASES

Every person in the community is directly concerned in scientific efforts to conserve the health, vitality, energy, and industrial efficiency of wage-earners. This interest is particularly apparent in cases of suffering and inefficiency due to unhealthful conditions of employment in occupations in which deadly poisons are in use.

The problem as we know it is a new one. For centuries, it is true, it has been recognized in some vague way that persons who handled lead contracted colic, and that makers of mirrors grew palsied. But it is only recently that society has awakened to the appalling magnitude of the evil under present industrial methods.

Scientific inquiry has already done much. The substances and conditions which incapacitate the worker are now fairly well known. The symptoms and results of particular poisons are the subject of a growing mass of scientific and popular literature.

But in what industries are those hazards most prevalent? How many workers are affected by them? How many die? Of how great duration is the incapacity of those who escape death? What lasting disfigurement or disability does the disease leave upon them? Are conditions improving or growing worse? Is occupational disease necessary to our civilization or can it be completely abolished? On all of these questions our information, until recently, has been almost *nil*.

Facts are needed. At present we have but few real records, and, as the kingdom was lost for the want of a horseshoe nail, so the whole problem of agitation, education, factory sanitation and legislation upon this topic is halted, and workers unnumbered are smitten with trade diseases yearly, all for the want of a little fundamental information.

LEAD POISONING

The most prevalent of all occupational poisonings today, as well as perhaps the earliest to be recognized in history, is lead poisoning. Those most frequently afflicted are painters, makers of white and red lead, lead paints and storage batteries, and stereotypers. In nearly 150 trades the "menace of lead," as it has well been called, is present. The attack brings on paroxysms of colic, with vomiting. The nervous system is invaded, convulsions are frequent, and partial paralysis or insanity may ensue. "Wrist-drop" is one of the most striking results. Progressive hardening of the blood vessels leads often to cerebral hemorrhage and death. Young girls and women are peculiarly suscept-

ible, most authorities holding that the poison has disastrous effects upon the offspring.

PHOSPHORUS POISONING

The match industry is the principal one in which the loathsome disease of phosphorus poisoning occurs. The fumes attack the bones and teeth of the workers. By the Esch-Hughes bill, signed by President Taft, April 9, 1912, a prohibitive tax was placed upon poisonous phosphorus matches. Reporting of any cases of "phossy jaw" will, however, act as a valuable aid in the enforcement of the law.

ARSENIC POISONING

In the manufacture of dyes, wall paper, artificial flowers, chemicals, glass, oil cloth and many other products, arsenic endangers the health of the workers. Vomiting, severe pain in the intestines and intense thirst are among the symptoms of acute poisoning. Death resembling that of cholera may result. The disease in chronic form causes a falling off of hair and nails, various malignant skin eruptions, inflammation of the mucous membrane, bleeding gums, cerebral disturbances, neuritis and paralysis.

BRASS POISONING

This is the familiar "brass founders' ague" prevalent among men who melt and pour brass. It gets its name from its having, like malaria, three stages—the shivering, hot and perspiring. It is characterized by a sudden onset of trembling, sense of cold and depression, shivering and chattering of the teeth, followed in the same day by fever and vomiting. Nervousness and weakness persist a day or two longer. On resuming work, the sufferer is peculiarly liable to recurrence of the malady.

WOOD ALCOHOL POISONING

Industrial wood alcohol poisoning attacks varnishers and furniture finishers, lacquerers, hatters and others. It arises when a cheap grade of varnish or shellac is used, in which wood alcohol is employed instead of grain alcohol as a "cutting" agent. Breathing the fumes results in splitting headache, nausea, abdominal pains, vomiting and unconsciousness. Partial or total blindness, or death, is the frequent outcome.

MERCURY POISONING

The principal injury from mercury is done in the manufacture of hats, thermometers, electric meters and explosives. It brings on morbid depression, ulceration of the gums, vomiting, intestinal derangement, anemia, and, in time, general nervous paralysis. The peculiar mercury muscular tremor, or "shakes," is a striking feature of the disease.

**THIS OCCUPATIONAL DISEASE HAS BEEN ABOLISHED
THROUGH THE EFFORTS OF THE ASSOCIATION FOR LABOR LEGISLATION**



ROSE C.

This young mother, to support her children after their father's death, went to work in a match factory. After four years' work she had to have her upper jaw cut out. At the age of 36 she was forced to look for work suited to the strength of a woman who must subsist the remainder of her life on liquid food.



JOHN W.

After working one year and four months in an Ohio match factory he contracted "phossy jaw," and underwent an operation. He sued the corporation but received not one penny.



BARTLOMEY P.

Worked in a New Jersey match factory. At the age of 28 his entire lower jaw rotted out, necessitating an operation which kept him in the hospital fifty-nine days.

"PHOSSY JAW"

THE DISEASE WHICH FORMERLY MENACED WORKERS IN
MATCH FactORIES WHERE POISONOUS PHOSPHORUS WAS USED

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ANTHRAX

Anthrax is due to the introduction into the human body of a minute bacillus that clings to the hides of diseased animals. In the wool, leather and horse-hair industries the malady is prevalent. Malignant pustules occur generally upon the neck and face of the victims, the eyelids being especially susceptible. A pulmonary form of anthrax frequently results in death. When a patient becomes infected with a malignant form the cure is rare.

COMPRESSED AIR ILLNESS

The increasing amount of caisson work connected with the building of bridges, tunnels, subways and skyscrapers, has made this disease, commonly called the "bends," a formidable one. The medical director of the Pennsylvania-East River tunnels, reported 3,692 cases, 20 fatal. Men working under 30 pounds' pressure or more, beyond the normal, if not "locked" back gradually, have a "frothing in the blood" which oftentimes renders them unconscious. Blood sometimes runs from the eyes, nose and ears, and the pains in joints and muscles are excruciating. Paralysis and death are not uncommon.

REPORTING—THE KEY TO THE FACTS

The prevalence of some of these diseases has been reported on by federal and state commissions, and by private investigators. Of the prevalence of others we know practically nothing. To remedy this ignorance fifteen states have made a beginning by passing, since 1911, laws requiring physicians treating cases of specified occupational ailments to send to the proper state authorities a record of each case with the essential facts concerning it. Of the New York law Commissioner Williams of that state said:

"This law has been in effect for a little more than a year, and we are beginning to find out what employments are surrounded by dangers that are almost invisible, but none the less terribly real and a menace to the persons engaged in such employments. The information that comes into our possession enables us to call direct attention to conditions in factories which threaten the health of the workers."

A standard uniform bill dealing with this phase of the campaign against needless loss of life and health has been prepared for introduction in all states [see following page] by the American Association for Labor Legislation. It is being rapidly introduced in the state legislatures, and every person and organization is urged to co-operate in securing this much needed legislation.

STANDARD BILL FOR OCCUPATIONAL DISEASE REPORTS.

AN ACT to require the reporting of certain occupational diseases, and to provide for its enforcement.

Be it enacted, etc., as follows:

SECTION 1. *Report of Occupational Diseases.*

Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood-alcohol, mercury or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall within 48 hours send to the state board of health a report stating:

- (a) Name, address and occupation of patient.
- (b) Name, address and business of employer.
- (c) Nature of disease.
- (d) Such other information as may be reasonably required by the state board of health.

The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report, within the time required, in a stamped envelope addressed to the office of the state board of health, shall be a compliance with this section.

SECTION 2. *Blanks for Reports.*

The state board of health shall prepare and furnish, free of cost, to the physicians included in Section 1, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the state board of health.

SECTION 3. *Reports Not Evidence.*

Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

SECTION 4. *Penalty.*

Any physician who neglects or refuses to send the report or reports as herein required shall be liable to the State for a penalty of _____ dollars for each offense, recoverable by civil action by the state board of health.

SECTION 5. *Transmission of Reports.*

It shall furthermore be the duty of the state board of health to transmit a copy of all such reports of occupational disease to the (proper official having charge of factory inspection).

SECTION 6. *Time of Taking Effect.*

This act shall take effect on the first day of _____, 19—.

PREVENTION OF OCCUPATIONAL DISEASES WITH SPECIAL REFERENCE TO LEAD POISONING.

Of all industrial poisons which now cause unnumbered cases of those peculiar maladies known as diseases of occupation, the most important is lead. Its use in approximately 150 industries exposes thousands of American workers daily to the risk of lead poisoning.

NATURE OF THE EVIL.

Industrial lead poisoning (saturnine poisoning, plumbism or "leading") is usually the cumulative result of the daily entry of minute quantities of lead into the system. These may be breathed in the form of dust, swallowed in the saliva, or eaten in food contaminated by dusty or paint-smeared hands. Day by day the organs of the body strive to eliminate the lead through the channels of excretion; but when the system has been impregnated then comes a convulsive effort to get rid of the poison, and agonizing colic or acute brain symptoms develop, or a general physical breakdown ensues. The usual warning of chronic lead poisoning is a blue line on the gums; the first symptoms are loss of appetite, indigestion, headache, constipation, extraordinary pallor (for lead reduces the red blood corpuscles from 30 to 50 per cent), loss of weight and muscular force, and gouty or rheumatic pains. With the slow starvation of liver, kidneys and heart, abnormal blood pressure develops, and frequently there is paralysis of wrists and ankles, or of the whole body. When the brain is affected, epileptic attacks, violent insanity and fatal convulsions may occur. Lead also affects the reproductive organs, and its influence is peculiarly disastrous to adolescents and to women.

EXTENT OF THE EVIL IN THE UNITED STATES.

While foreign records of lead poisoning are based on an accurate system of compulsory reports, our investigators must rely on hospital and dispensary records (which commonly cover not more than one case out of every four); on physicians' incomplete memoranda; and on the personal statement of a shifting, often foreign-speaking class of employees.

But in the United States Bureau of Labor Bulletin, No. 95, Dr. Hamilton reports 398 specific cases of lead poisoning among the workers (some 1,400)

in 22 of our 25 white lead plants, with 16 fatal cases between January 1, 1910, and April 30, 1911. In the same Bulletin, Dr. Andrews gives a list of 60 fatal cases of lead poisoning reported by physicians for the state of New York during 1909 and 1910. A hasty study of plumbism in New York City showed 376 cases during 1909, 1910, 1911. The Illinois Commission on Occupational Diseases credits 578 cases to that state during 1908, 1909, 1910. The United States Bureau of Labor, in Bulletin 104, reports for 1910-1911, Dr. Hamilton's discovery of 66 cases of lead poisoning among 796 men employed in 40 white ware potteries, and 43 cases among 150 women in the same works; 63 cases among 304 men employed in 18 yellow ware, art and utility ware and tile works, and 35 cases among 243 women in the same works; and 309 cases among the 1,012 men employed in the porcelain enameled iron sanitary ware factories. Out of 148 enamelers and mill-hands, specifically examined, 36 per cent were found to be suffering from chronic lead poisoning.

SATISFACTORY RESULTS OF FOREIGN SANITARY CONTROL OF THE LEAD TRADES.

The increasing elimination of dust and fume from the English and Continental lead trades, together with the legal enforcing of habits of personal cleanliness among the lead workers, is reducing plumbism in a marked degree.

An Austrian smelter record of 73 per cent of all employees "leaded" (under old conditions) measured against 3/10 of one per cent of all employees under sanitary control; or a white lead factory record of 31 per cent of all employees "leaded" measured against 0 per cent of all employees under sanitary control; or a potteries' report of 28 per cent of all employees "leaded" measured against 8/10 of one per cent under the present system, are stated as typical examples of what can be achieved.

While individual carelessness must always remain a factor in the prevalence of poisoning while lead is used, it is now believed that the employer can so protect his workers as almost to neutralize the danger of the materials handled. This is being demonstrated in Illinois by the same methods as those in vogue abroad; and the satisfactory results which have followed the enactment of laws for the protection of those exposed to lead dust and lead fume are a conclusive argument in favor of uniform laws for the control of these industries in the United States.

RELATION OF LEGISLATION TO PLUMBISM.EUROPEAN.

White lead factories in Dusseldorf employ 150 men; examining physician reports 2 cases in 1910.

English white and red lead factory employs 90 men; no case of poisoning in five successive years.

At the Hart Accumulator Works in London (storage batteries) 80 to 100 men are employed; no case for over a year.

Government factory inspection in Staffordshire potteries reports 13 cases among 786 male dippers in one year.

Poisoning in all potteries, Great Britain, 1910:
Males employed (1907)..... 4,504
Cases (1910) 40
Females employed (1907).... 2,361
Cases (1910) 37
Total employees (1907).... 6,865
Total cases (1910)..... 77
Ratio of cases to employees, 1 to 89.

AMERICAN.

American white lead factory employs 170 men; 60 cases in 1911.

American white and red lead factory employs 85 men; doctors' records for six months show 35 men "leaded."

Storage battery plant in Chicago employs 15 men; two cases of poisoning in nine months.

An American Local Dippers' Union reports that 13 men out of a local of 85 dippers, had 16 attacks of lead poisoning in one year.

Poisoning in only part of potteries in United States for 1911:
Males employed 1,100
Cases 87
Females employed 393
Cases 57
Total employees 1,493
Total cases 144
Ratio of cases to employees, 1 to 10.

OBJECT OF THE STANDARD BILL

The purpose of the standard bill for uniform state legislation [see following pages] is to lessen the prevalence of occupational diseases, and especially to protect certain workers from the dangers of lead poisoning. It has already been adopted in the most important lead-using states, New Jersey, Ohio, and Pennsylvania, and with modifications in Missouri. Some of its main provisions were previously in force in Illinois. In New Jersey it applies not only to lead works but to plants engaged in the manufacture of pottery, tiles or porcelain enameled sanitary ware. While all uncontrolled lead trades offer risk to the employees, exposure to dust and fume from the important lead salts mentioned in the bill is recognized as extra-hazardous, and their manufacture and handling is under strict governmental regulations in Great Britain, Germany, the Netherlands, Belgium, Switzerland, Denmark and France.

While general legislation is required in the United States to cover approximately 150 trades in which lead poisoning may occur, it has been deemed best to ask first for legislation regarding only those industries concerning which we have specific American data. The remedies proposed for the dangers arising from the manufacture and handling of lead salts are based on approved European measures, and those already in force in Illinois, and voluntarily adopted in several American factories. They are the result

of months of careful study of the subject, and have the endorsement of practical lead men, engineers, and scientific and medical experts.

NECESSITY FOR THE PROVISIONS OF THIS BILL.

Since it has been proved that cleanliness in the lead trades must be absolute, not relative, a type of factory construction is called for which shall provide airy, well lighted rooms, the separation of dusty and non-dusty processes, and flooring which permits the sanitary removal of all dust. Since lead may enter the system by means of contamination by dusty clothing or soiled hands, clean working clothing must be furnished the employee, and proper dressing rooms and ample lavatory and shower bath facilities for use at the noon hour and on leaving the work. Since food exposed in workrooms offers special danger, eating rooms must be provided, and their use enforced. Since respirators are essential to protect those directly exposed to fume or dust, they should be furnished and worn. Since early detection of symptoms of lead poisoning may prevent a serious attack, periodical medical examinations, with a report of all cases to the employer and to the proper state officials, are imperatively called for. Since mechanical dust-control is possible by means of enclosed machinery and its connection with air-exhaust; and fume-control by means of hoods with exhaust ventilation; these specific regulations, based on practical experience, are demanded. Ultimately all these provisions will benefit the employer also in increased efficiency and in economy of material and time.

With the example before us of other nations' efforts to banish from their lead trades one of the most serious and far-reaching of occupational diseases, and the encouragement of the good already accomplished in five of our own states, the passage of the bill is demanded alike by the dictates of sound business judgment and by every instinct of common justice and humanity.

**STANDARD BILL FOR THE PREVENTION OF
OCCUPATIONAL DISEASES WITH SPECIAL
REFERENCE TO LEAD POISONING**

AN ACT to prevent occupational diseases.

Be it enacted, etc., as follows:

SECTION 1. *General Duties of Employers.*

Every employer shall, without cost to the employees, provide reasonably effective devices, means and methods to prevent the contraction by his employees of any illness or disease incident to the work or process in which such employees are engaged.

SECTION 2. *Especially Dangerous Works or Processes.*

Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate or fluo-silicate, or in the manufacture of pottery, tiles or porcelain enameled sanitary ware, is hereby declared to be especially dangerous to the health of the employees, who, while engaged in such work or process, are exposed to lead dusts, lead fumes or lead solutions.

SECTION 3. *Duties of Employers to Provide Safety Appliances for the Protection of Employees in Especially Dangerous Works or Processes.*

Every employer shall, without cost to the employees, provide the following devices, means and methods for the protection of his employees who, while engaged in any work or process included in Section 2, are exposed to lead dusts, lead fumes or lead solutions:

(a) *Working Rooms, Hoods and Air Exhausts for the Protection of Employees Engaged in Any Work or Process Which Produces Lead Dusts or Lead Fumes.* The employer shall provide and maintain work rooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully separated by partition walls from all departments in which the work or process is of a non-dusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

Every work or process referred to in Section 2, including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds referred to in Section 2, shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employee, as far as possi-

ble, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle or furnace in which lead in any form referred to in Section 2 is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead in any chemical form or combination referred to in Section 2 is being conveyed from one place to another within the factory shall be equipped, at the places where the same are filled or discharged, with hoods having connection with an efficient air-exhaust; and all hoppers, chutes, conveyors, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry-pans or other apparatus for drying pulp lead, dry-pans dump, and all barrel packers and cars or other receptacles into which corrossions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust-collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust-collector to be placed in a separate room which no employee shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

(b) *Washing Facilities.* The employer shall provide a wash room or rooms which shall be separate from the work rooms, be kept clean, and be equipped with:

- (1) Lavatory basins fitted with waste pipes and two spigots conveying hot and cold water, or
- (2) Basins placed in troughs fitted with waste pipes and for each basin two spigots conveying hot and cold water, or
- (3) Troughs of enamel or similar smooth impervious material fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one basin for every five such employees, and where troughs are provided, at least two feet of trough length for every five such employees. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each such employee. A time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said wash room before the lunch hour and at the close of the day's work.

The employer engaged in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate or fluo-silicate shall also provide at least one shower bath for every five such employees. The baths shall be approached by wooden runways, be provided with movable wooden floor gratings, be supplied with controlled hot and cold water, and be kept clean. The

employer shall furnish soap, and shall provide at least two clean bath towels per week for each such employee. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said baths at least twice a week at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employee, which record shall be open to inspection at all reasonable times by the (state department of factory inspection) and also by the (state board of health).

(c) *Dressing Rooms.* The employer shall provide a dressing room or rooms which shall be separate from the work rooms, be furnished with a double sanitary locker or two single sanitary lockers for each such employee, and be kept clean.

(d) *Eating Rooms.* The employer shall provide an eating room or eating rooms which shall be separate from the work rooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employee shall take or be allowed to take any food or drink of any kind into any work room, nor shall any employee remain or be allowed to remain in any work room during the time allowed for his meals.

(e) *Drinking Fountains.* The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of the employees.

(f) *Clothing.* The employer shall provide at least two pairs of overalls and two jumpers for each such employee, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

(g) *Respirators.* The employer shall provide, and renew when necessary, at least two reasonably effective respirators for each employee who is engaged in any work or process which produces lead dusts.

SECTION 4. Duties of Employees in Especially Dangerous Works or Processes to Use the Safety Appliances Provided by the Employers.

Every employee who, while engaged in any work or process included in Section 2, is exposed to lead dusts, lead fumes or lead solutions, shall:

(a) Use the washing facilities provided by the employer in accord with Section 3 (b) and wash himself at least as often as a time allowance is therein granted for such use;

(b) Use the eating room provided by the employer in accord with Section 3 (d), unless the employee goes off the premises for his meals;

(c) Put on, and wear at all times while engaged in such work or process, a suit of the clothing provided by the employer in accord with Section 3 (f), and remove the same before leaving at the close of the

day's work; and keep his street clothes and his working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accord with Section 3 (c);

(d) Keep clean the respirators provided by the employer in accord with Section 3 (g), and use one at all times while he is engaged in any work or process which produces lead dusts.

SECTION 5. *Notices.*

The employer shall post in a conspicuous place in every work room where any work or process included in Section 2 is carried on, room where washing facilities are provided, dressing room and eating room, a notice of the known dangers arising from such work or process, and simple instructions for avoiding, as far as possible, such dangers. The (chief state factory inspector) shall prepare a notice containing the provisions of this Act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in Section 2, and the employer shall post copies thereof in the manner hereinabove stated. The notices required in this Section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employee by the employer when the said employee enters employment in such work or process, interpreters being provided by the employer when necessary to carry out the above requirements.

SECTION 6. *Medical Examination.*

The employer shall cause every employee who, while engaged in any work or process included in Section 2, is exposed to lead dusts, lead fumes or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employee so examined.

SECTION 7. *Record and Reports of Medical Examination.*

Every physician making any examination under Section 6 and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination containing the name and address of the employee so examined, the particular work or process in which he is engaged, the

date, place and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the (state department of factory inspection) and by the (state board of health).

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the (state department of factory inspection) and one to the (state board of health). The report shall be on or in conformity with blanks to be prepared and furnished by the (state board of health), free of cost, to every employer included in Section 2, and shall state:

- (a) Name, occupation and address of employee.
- (b) Name, business and address of employer.
- (c) Nature and probable extent of disease.
- (d) Such other information as may be reasonably required by the (state board of health).

The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician.

SECTION 8. *Enforcement.*

The (state department of factory inspection) shall enforce this act and prosecute all violations of the same. The officers, or their agents, of the said (department) shall be allowed at all reasonable times to inspect any place of employment included in this act.

SECTION 9. *Penalties.*

Every employer who, either personally or through any agent, violates or fails to comply with any provision of Section 1 or Section 3 shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and on conviction for the second offense, not less than two hundred dollars nor more than five hundred dollars, and on conviction for each subsequent offense, not less than three hundred dollars nor more than one thousand dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employee who violates or fails to comply with any provision of Section 4 shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than ten dollars nor more than twenty dollars, and on conviction for the second offense, not less than twenty dollars nor more than fifty dollars, and on conviction for each subsequent offense not less than thirty dollars nor more than one hundred dollars, and in each case he shall stand committed until such fine

and the costs are paid, or until he is otherwise discharged by due process of law.

Every employer who, either personally or through any agent, violates or fails to comply with any provision of Sections 5, 6 or 7, relating to him, and every employee who violates or fails to comply with the provision of Section 6 relating to him shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

SECTION 10. *Definition.*

In this act, unless the context otherwise requires, "employer" includes persons, partnerships and corporations.

SECTION 11. *Constitutionality.*

For the purpose of determining the constitutionality of any provision of this act, Section 1 hereof is declared to be independent of and separable from the remaining sections.

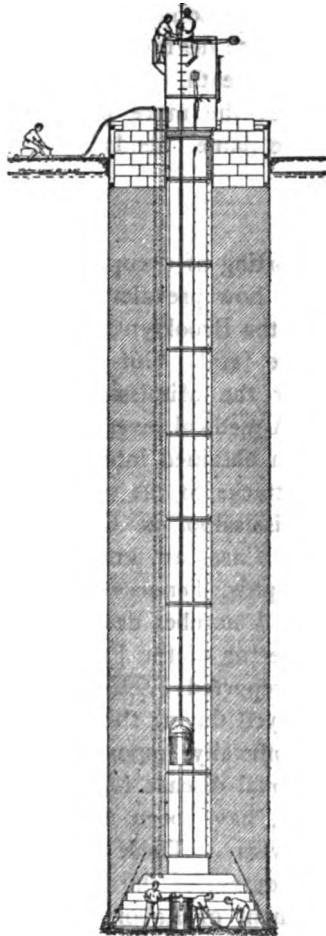
SECTION 12. *Time of Taking Effect.*

This act shall take effect on the first day of October, 1915, except as to subdivisions (a), (b), (c) and (d) of Section 3 which subdivisions shall take effect as follows:

Subdivisions (b), (c) and (d) of Section 3 on the first day of October, 1916.

Subdivision (a) of Section 3 on the first day of October, 1917.

PROTECTION FOR COMPRESSED AIR WORKERS



CROSS SECTION OF CAISSON IN FULL
OPERATION.

Workers ("sand hogs") at bottom of caisson work under atmospheric pressure sufficient to prevent water from flowing in as sand is shoveled up. Too rapid decompression, as in going suddenly out into normal atmosphere, causes compressed air illness.

The "bends," caisson disease, or compressed air illness, as it is variously called, threatens life and health wherever work is carried on under heavy atmospheric pressure, as in tunnels or in construction of foundations for bridges or tall buildings.

In excavating beneath the water level it is necessary, in order to keep out the water, to force in air sometimes to nearly five times the common atmospheric pressure of fifteen pounds to the square inch. Roughly speaking, for every five feet below the water line, two additional pounds are necessary. "Sand hogs," or men who engage in heavy manual labor under such conditions, absorb through the lungs into the blood a quantity of air which increases with the air pressure. The circulation also adapts itself to the unusual condition by establishing greater blood pressure to prevent the collapse of the blood vessels by reason of the heavy pressure from without.

Most of the danger arises when men are coming out of this abnormal environment. If decompression is too rapid, the blood vessels are dilated, partly by the increased blood pressure which has not had time to subside, and partly by formation in the blood stream of bubbles composed of the absorbed air which has not been able

to pass off naturally through the lungs. The distention of the blood vessels causes them to press upon the nerve tissue in various parts of the body, especially on the brain and the spinal cord, resulting in excruciating pain and often paralysis. Bubbles of air may escape through the walls of the blood vessels and lodge in some tissue or organ where, according to location, they may produce deafness, blindness, prostration, paralysis, unconsciousness, or death. It is the uncontrollable writhing characteristic of some of the more painful forms of the ailment which has earned for it the name "bends."

EXTENT OF THE DISEASE

In the absence of thorough and systematic reporting of occupational diseases in America it is impossible to tell exactly how prevalent compressed air illness is. We know that in building the Brooklyn Bridge, at least 110 cases occurred, three of which were fatal. Out of 600 "sand hogs" employed on the first bridge over the Mississippi, at St. Louis, 119 were affected, and fourteen died. A medical investigator for the Illinois Occupational Disease Commission obtained interviews with 161 men who had sustained well-defined attacks of the malady. In building the railroad bridge across the Mississippi at Clinton, Iowa, a total of twenty-five cases was recorded. Cases are known to have occurred in bridge work in Ohio, at Memphis, Tennessee, and over the Big Kanawha River in West Virginia. A number developed in digging the Boston subway. The medical director of the Pennsylvania-East River tunnels in New York City reported 3,692 cases, twenty fatal, among a total of 10,000 men employed during the entire period of the work. One case has been officially reported in Connecticut since the enactment of the occupational disease reporting law, and thirty cases, one of which was fatal, have been actually reported in New York during the past three years. These figures must, however, not be taken to indicate the full extent of the disease, since, in the words of the New York Department of Labor, "It is entirely certain that reporting of such diseases is far from complete."

METHODS OF PREVENTION AND TREATMENT

Modern scientific study of caisson disease has clearly pointed out simple and definite methods of prevention and treatment. Extreme youth, age past forty-five, obesity, addiction to intoxicants, inexperience

ence at the work, and organic disease, such as heart insufficiency or hardening of the arteries, are predisposing causes, and men possessing these characteristics should not be engaged to work in compressed air. The degree of danger is closely proportionate to the degree of the pressure and to the length of time spent under it. Therefore the higher the pressure, the shorter should be the period of continuous work, and labor under pressure above a carefully determined maximum should not be permitted. As the greatest danger lies in too hasty decompression, a safe schedule of rate and time of decompression from various working pressures should be established. Furthermore, since prompt medical attention, especially recompression in a medical lock, not only in most cases relieves the maddening pain, but is even effective in bringing about recovery in cases of paralysis and coma, properly equipped medical locks should be provided when the pressure is dangerously high, and efficient medical attendance should be furnished wherever compressed air work is done. Warm dressing rooms, with bathing and toilet facilities, are also essential.

LEGISLATION IN THE UNITED STATES

Only two states in the United States—New York in 1909 and New Jersey in 1914—have adopted legislation regulating the conditions under which compressed air work is carried on. The increasing construction of tunnels, subways, bridges and sky-scrapers in all parts of the country makes it imperative that this protection be extended to other states. A standard bill for this purpose [see next four pages] has been prepared after careful study by the Association for Labor Legislation, and was adopted without change in New Jersey. It embodies all essential features for the prevention and treatment of the disease, and is so drafted as to be readily enforceable. Its enactment is demanded by accepted principles of industrial hygiene and by modern standards of social responsibility.

STANDARD BILL FOR THE PREVENTION OF COMPRESSED AIR ILLNESS

AN ACT relating to the employment of persons in compressed air.

Be it enacted, etc., as follows:

SECTION 1. *Definitions.*

(1) The term "pressure," when used in this act, means gauge pressure in pounds per square inch.

(2) The term "employer," when used in this act, includes partnerships and corporations.

SECTION 2. *General Duties of Employers.*

Every tunnel, caisson, compartment or place to which this act applies shall be so constructed, equipped, arranged, operated and conducted as to provide such protection to the lives, health and safety of all persons employed therein as the nature of the employment will reasonably permit.

SECTION 3. *Equipment for Work in Compressed Air.*

Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Provide and install gauges in each tunnel for showing the air pressure to which the persons so employed therein are subjected. Such gauges shall be accessible at all times during working hours to all employees in the tunnels;

(2) Provide and attach gauges to each caisson, for showing the air pressure to which the persons so employed therein are subjected, and employ a competent person, who may be the lock tender, to take charge of such gauges, and of the instruments required under subdivision three of this section. The person so employed shall not be permitted to work more than eight hours in any twenty-four hours;

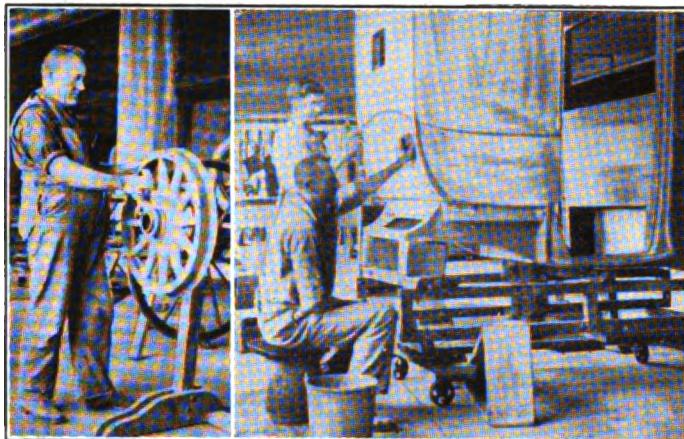
(3) Provide and attach an air gauge and a time piece to each air lock. Such gauge and time piece shall be accessible to the lock tender at all times;

(4) Keep at least two air pipes or lines connected with each tunnel, caisson, compartment or place in which persons are so employed;

(5) Provide a suitable iron ladder for the entire length of every shaft used in connection with such work;

(6) Keep every passageway used in connection with such work clear and properly lighted;

(7) Provide sufficient electric lights for all lighting purposes and



DRY AND WET SANDING

Dry sandpapering of paint is a frequent cause of lead poisoning. The operation fills the air with tiny particles of lead dust. Dust is avoided when sanding is done with wet pumice stone.



DOUBLE WRIST DROP

Hands of workman paralyzed for 16 years as the result of lead poisoning. Five of his fellow workmen were killed by lead poisoning before they were forty.

LEAD POISONING

THE ASSOCIATION FOR LABOR LEGISLATION INSISTS THAT
UNNECESSARY LEAD POISONING MUST BE PREVENTED

provide a wire for lighting the shaft, which wire shall be separated from the wire used for lighting the place where the employees are at work in compressed air; all electric wires shall be properly insulated;

(8) Provide, for the use of all persons so employed, dressing rooms which shall be kept open and accessible during working hours and during the intervals between working periods, and also a separate room for drying clothes. The dressing rooms shall contain benches and individual lockers, shower baths with hot and cold water, and sanitary water-closets, and shall be kept properly heated, lighted and ventilated;

(9) If the maximum air pressure in such work exceeds seventeen pounds, provide and maintain at least one double compartment hospital lock. Such lock shall be at least six feet high, inside measurement, and be suitably floored; it shall be equipped with inside and outside air gauges and time pieces, and a telephone with proper connections, and shall contain benches and proper surgical and medical equipment; it shall be properly heated, lighted and ventilated.

SECTION 4. Suspension of Caissons.

No caisson in which persons are employed in compressed air shall, while work is in progress therein, be suspended or hung so that the bottom of the excavation is more than four feet below the cutting edge of the caisson.

SECTION 5. Inspection.

Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall cause all engines, boilers, steam pipes, steam gauges, drills, caissons, air pipes, air gauges, air locks, dynamos, electric wiring, signal apparatus, brakes, buckets, hoists, cables, chains, ropes, ladders, ways, tracks, sides, roofs, timbers, supports and all other equipment, apparatus and appliances used in connection with such work to be inspected at least once every working day by a competent person especially designated for that purpose, and if any defect in such equipment, apparatus or appliances is found, a report thereof in writing shall forthwith be made by the inspector to the employer, and the defect shall be immediately repaired.

SECTION 6. Medical Attendants and Nurses.

Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Employ one or more licensed physicians as medical officers who shall be present to render medical assistance at all necessary times at the place where such work is in progress and who shall perform such other duties as are imposed on them by this act;

(2) If the maximum air pressure in such work exceeds seventeen pounds, employ one or more registered nurses, or one or more competent persons, which persons shall be selected by the medical officer

and be certified by him to be competent, by actual experience, to handle cases of compressed air illness. The nurses or persons so employed shall have charge of the hospital lock provided for in this act, and may also have other duties of a clerical nature, exclusive of time-keeping, such as will not require their presence elsewhere than at the hospital lock and such as they may leave at any time their service at the lock is necessary.

SECTION 7. Employment of Certain Persons Prohibited.

No person known to be addicted to the excessive use of intoxicants shall be employed or permitted to work in compressed air.

SECTION 8. Physical Examinations.

(1) No person shall be employed or permitted to work in compressed air until he has been examined by the medical officer and found to be physically qualified therefor;

(2) No person who has not previously worked in compressed air shall, during the first twenty-four hours of his employment, be permitted to work therein longer than one working period, as provided in section ten, and he shall not be permitted to resume such work, if the air pressure exceeds fifteen pounds, until he has been re-examined by the medical officer and found to be physically qualified therefor;

(3) No person who is employed in compressed air, but who has been absent therefrom for ten or more consecutive days, for any cause, shall be permitted to resume such work until he has been re-examined by the medical officer and found to be physically qualified therefor;

(4) No person who has been employed regularly in compressed air for three months shall be permitted to continue such work until he has been re-examined by the medical officer and found to be physically qualified therefor.

SECTION 9. Record of Physical Examinations.

The medical officer shall keep a record of all physical examinations made in accord with section eight, which record shall be kept at the place where the work is in progress and shall contain the name, age, address and full description of each person examined, the date on which each examination was made, and the physical condition, on that date, of the person examined, and the total time such person has worked in compressed air, including time in previous employments. The employer shall also be responsible for the observance of this section.

SECTION 10. Hours of Labor.

When the air pressure in any tunnel, caisson, compartment or place in which persons are employed exceeds normal, but does not exceed fifty pounds, the maximum number of hours which, in any twenty-four hours, a person may be employed or permitted to work or remain therein shall be as hereafter stated. In every case the maximum number of hours shall be divided into two working periods of equal

length, and the minimum time interval which shall elapse between such working periods shall be as hereafter stated.

When the air pressure	No. of hours in 24.	Interval between working periods.
Exceeds normal but does not exceed 21 lbs.,	8	30 mins.
" 21 "	30 "	6
" 30 "	35 "	4
" 35 "	40 "	3
" 40 "	45 "	2
" 45 "	50 "	1½
		5 hrs.

Except in cases of emergency, no person shall be employed or permitted to work or remain in any tunnel, caisson, compartment or place where air pressure exceeds fifty pounds.

SECTION 11. *Rate and Time of Decompression.*

No person shall be permitted to pass from any tunnel, caisson, compartment or place where he has been employed in compressed air to atmosphere of normal pressure without passing through an intermediate lock or stage of decompression. When the employee is passing from a tunnel to atmosphere of normal pressure, the rate of decompression shall be three pounds every two minutes, except when the air pressure in the tunnel exceeds thirty-six pounds, in which case the rate of decompression shall be one pound every minute. When the employee is passing from a caisson, compartment or place to atmosphere of normal pressure, the time of decompression shall be as follows:

When the pressure in a caisson, compartment or place	Time of decompression.
Exceeds normal but does not exceed 10 pounds,	1 min.
" 10 "	15 "
" 15 "	20 "
" 20 "	25 "
" 25 "	30 "
" 30 "	36 "
" 36 "	40 "
" 40 "	50 "

SECTION 12. *Enforcement.*

The (state department of factory inspection) shall enforce this act. The officers, or their agents, of said (department) shall inspect every place of employment included in this act, and for that purpose may enter any such place.

SECTION 13. *Penalties.*

Every person who, either personally or through any agent, violates or fails to comply with any provision of this act is liable to a civil penalty of fifty dollars for the first offense, one hundred dollars for the second offense and three hundred dollars for the third and each subsequent offense. Such penalties shall be recovered in an action

of debt by and in the name of the (state department of factory inspection) of the state of _____, and shall be paid to the (state department of factory inspection), who shall pay the same to the treasurer of the state of _____. [Note: Wherever necessary, provisions as to the pleading in actions to recover the penalties and for the execution of a judgment therefor should be inserted.]

SECTION 16. *Time of Taking Effect.*

This act shall take effect on the first day of _____, 19____.

III
INDUSTRIAL SAFETY

Committee on Standard Schedules and Tabulations

LEONARD W. HATCH, *Chairman*

Statistician, New York State Department of Labor

LUCIAN W. CHANEY

Expert, United States Bureau of Labor

Author, Dangerous Occupations in Metal Manufacture, Dusty Occupations in Cordage and Twine Manufacture, etc.

JOHN R. COMMONS

Professor, Political Economy, University of Wisconsin

Member, United States Commission on Industrial Relations

Former Member, Wisconsin Industrial Commission

DON D. LESCHIER

Statistician, Minnesota Bureau of Labor and Industry

JOHN B. ANDREWS, *Secretary*

Secretary, American Association for Labor Legislation

Joint Editor, Documentary History of American Industrial Society

INDUSTRIAL SAFETY

Closely allied to the prevention of occupational diseases is the prevention of industrial accidents. Shortly after the publication of its analysis of laws on comfort, health and safety in factories, already mentioned, the Association called a national conference on the Prevention and Reporting of Industrial Injuries, which met at Chicago on September 15-16, 1911. The meeting brought together about 200 experts, more than fifty of whom were government officials, from the most widely separated parts of the United States and Canada. In addition to a discussion of scientific prevention of industrial accidents, the conference led to the drafting of a standard schedule for industrial accident reporting under which, at the end of three years, nearly one-half of the total manufacturing population of the country was working.

Information from official sources shows that among the leading states which have already adopted this standard form are California, Iowa, Massachusetts, Minnesota, Nevada, New Hampshire, New York, Pennsylvania and Washington. The standard form has also been adopted by a number of manufacturing and insurance companies. Among the influential organizations which have endorsed it and are now working for its adoption, are the Workmen's Compensation Service Bureau and the National Council for Industrial Safety. It is likewise endorsed by the United States Bureau of Labor Statistics.

DEVELOPMENT OF STANDARD SCHEDULE

The committee to whose three years of systematic effort this progress toward uniform accident reporting and comparable accident statistics is largely due includes Leonard W. Hatch, New York State Department of Labor, chairman; Lucian W. Chaney, United States Bureau of Labor Statistics; John R. Commons, Wisconsin Industrial Commission; Don D. Lescohier, Minnesota Department of Labor and Industries; and John B. Andrews, American Association for Labor Legislation, secretary. Immediately after appointment, the committee met in conference with several experts and a tentative draft for a uniform accident schedule was drawn up. Further meetings were held in Chicago, New York and Wash-

ington with other practical men interested in accident reporting. The tentative schedule was then put in type and proof copies were mailed throughout the country three separate times to public officials, insurance companies and representatives of workmen and employers. In this way many very helpful suggestions were received and utilized in the preparation of the final draft which was then formally adopted at a joint meeting in Washington of the American Statistical Association and the American Association for Labor Legislation.

Copies of the final draft of the standard schedule for accident reports were mailed with explanatory letters, early in 1912, to the proper officials in the various states. Several officials announced their decision to adopt the standard schedule at the beginning of their next fiscal year, but from officials in a majority of the states came the report of insufficient legal authority to secure all of the information required. It thus became apparent that legislation would be necessary in many states before the standard schedule could be adopted. The committee immediately undertook the task of drafting a standard accident reporting bill which was printed, with proper explanation of its provisions, mailed with a letter to chiefs of bureaus of labor and factory inspection and earnestly recommended to the dozen or more state commissions then engaged in framing workmen's compensation legislation. A systematic educational and legislative campaign was inaugurated through which thousands of people throughout the country were, at the proper time, invited to call the attention of their representatives to the desirability of such legislation. A steadily increasing number of state departments have thus been authorized to collect accident reports in accordance with the demands of this schedule.

SUPPLEMENTAL SCHEDULE

Part I of the standard schedule has always been recognized as the essential minimum. Two supplemental parts were added merely as a rough suggestion at a time when workmen's compensation laws were just beginning to come into operation in America. The committee believes that the experience of the last three years indicates the need of but a few slight additions to the essential minimum known as Part I, which constitutes the standard form for the first report of the accident. But the committee holds that

FIRST REPORT OF ACCIDENT TO EMPLOYEE

To be filled out and sent in within 48 hours of the accident*

a. Employer's name.....	b. Office address: Street and No.....	City or village.....
a. State exactly part of person injured and nature of injury.....		
b. Did injury cause loss of any member or part of a member? If so, describe exactly.....		
c. Attending physician or hospital where sent: Name and address.....		
d. Has injured person returned to work? If so, give date and hour.....		
4. NATURE AND EXTENT OF INJURY		Made out by.....
Date of report		

* Under workmen's compensation it is believed by many that a first report within seven days of the accident will be found satisfactory.

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with the rapid spread of workmen's compensation legislation the time is now ripe for a consolidation of the suggestive second and third parts into one simple blank for the supplemental report. In working towards this supplemental step toward uniform accident reporting, the permanent Committee on Standard Schedules and Tabulations of the American Association for Labor Legislation earnestly invites the suggestions of all interested individuals or groups.

UNIFORM SYSTEM FOR TABULATING ACCIDENT STATISTICS

The standard certificate and the standard reporting bill for occupational diseases, referred to in the previous section, are also the work of this committee. The third part of the committee's obligation, after some preliminary consideration, was discussed at length at a meeting in New York on February 12, 1914. On that date, as a tentative outline scheme for cooperative state and federal study of accidents, the following was agreed upon:

1. Define a reportable accident as follows:
A reportable accident shall be one (a) causing death immediately or later; or (b) causing some permanent bodily injury; or (c) causing the workman to remain away from work longer than twenty-four hours. The report should be made within forty-eight hours of accident, and employers should be urged to keep a record of, but not to report, all cases where the workman is off less than twenty-four hours.
2. Adopt in the cooperating states a form of report conforming in essentials to the American Association for Labor Legislation standard schedule.
3. Secure for the use of the state and the federal bureau, from industrial establishments, information on the following points:
 - (a) Employment: If possible the shop hours of the different departments, or if this cannot be obtained, the average number employed per month (number on pay roll in each month, sum of these numbers divided by twelve) and the exact number of days during which the department was in operation.
 - (b) Accident occurrences, including length of temporary disabilities.
4. Treat this material the following way:
Transfer each record as it is completed to punched cards under a uniform code to be agreed upon. These cards may be tabulated by each state and then transmitted to Washington, or the federal bureau may undertake to perform the tabulation for the cooperating states in return for the opportunity to combine the data for its own uses.

After several hours of discussion, Mr. Chaney offered the following resolution:

I move that this committee request the federal Commissioner of Labor to call a conference of state labor department officials, to be held in New York City (February 26, 1914) at the time of the Unemployment conference of the American Association for Labor Legislation, to consider cooperation and unification of methods in handling industrial accident statistics.

The request was transmitted to Commissioner Meeker at Washington. Several conferences have since been held and the time appears to be favorable for effective cooperation to continue the forward movement and to broaden and develop it along lines of constructive research.

The Association has in every way endeavored to stimulate wider interest in the prevention of accidents, and has encouraged the foundation of state museums of safety devices, notably in Minnesota and Wisconsin, as well as through the federal Congress.

PUBLICATIONS

Most important of the Association's publications on industrial safety are:

August 1910—Review of Labor Legislation of 1910, containing Accidents (3 p.).

June 1911—Analysis of Comfort, Health and Safety Laws in Factories (60 p.); The Prevention of Accidents (7 p.).

October 1911—Review of Labor Legislation of 1911, containing Accidents and Diseases (52 p.).

December 1911—Prevention and Reporting of Industrial Injuries, containing Introductory Address (5 p.); Scientific Accident Prevention, (11 p.); Practical Safety Devices (20 p.); Accident Records in Minnesota (8 p.); Advantages of Standard Accident Schedules (6 p.); A Plan for Uniform Accident Reports (9 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing Report of Special Committee on Standard Schedules (17 p.); Work of the United States Bureau of Mines (6 p.).

February 1912—Standard schedule for industrial accident reports.

October 1912—Review of Labor Legislation of 1912, containing Accidents and Diseases (20 p.).

December 1912—Immediate Legislative Program, containing Uniform Reporting of Accidents and Diseases (18 p.); Investigations into Industrial Hygiene and Safety (4 p.).

January 1913—Leaflet No. 7, on Uniform Reporting of Industrial Accidents (4 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Needed

Legislative Changes Requiring the Notification of Accidents and Diseases (6 p.).

October 1913—Review of Labor Legislation of 1913, containing Accidents and Diseases (49 p.).

October 1914—Review of Labor Legislation of 1914, containing Accidents and Diseases (19 p.).

UNIFORM REPORTING OF INDUSTRIAL ACCIDENTS

How many industrial accidents occur every year in the United States, leaving in their wake crippled and broken bodies, reduced earning power, or dependent widows and orphans?

Nobody knows.

Estimates vary from 15,000 to 57,500 for fatal accidents, and from 455,000 to 1,000,000 for non-fatal accidents.

But these are only estimates. On so important a topic as this is, nobody really *knows*.

To remedy this shameful defect in our social knowledge the Chicago Conference of the American Association for Labor Legislation in September, 1911, appointed a committee of five to formulate a standard schedule and a standard bill for accident reporting. This committee was made up principally of government officials charged with the administration of accident reporting laws, and included:

Leonard W. Hatch, New York Department of Labor, *Chairman*.

Lucian W. Chaney, United States Bureau of Labor.

John R. Commons, Industrial Commission of Wisconsin.

Don D. Lescobier, Minnesota State Bureau of Labor.

John B. Andrews, American Association for Labor Legislation.

This committee immediately called into conference and corresponded widely with other officials and experts. At the end of the year it brought in a report. The standard schedule thus drafted was discussed at the annual meeting of the American Statistical Association and at numerous conferences. In its final form it has been adopted with but few modifications by one state after another across the continent, including California, Iowa, Massachusetts, Minnesota, Nevada, New Hampshire, New York, Pennsylvania and Washington. Several municipalities and liability insurance companies have also adopted this schedule. In 1914 it was endorsed, for universal adoption, by the United States Bureau of Labor Statistics, the Workmen's Compensation Service Bureau, and the National Council for Industrial Safety.

In spite of this progress, however, accident reporting in the United

States is still in a very unsatisfactory condition. "Even in the few states requiring the publication of accident statistics," declares the United States Bureau of Labor, "the lack of completeness and the absence of uniformity precludes the possibility of an accurate inter-state comparison." And the Bureau adds: "Accurate statistics alone can furnish a reasonable basis for reform."

"ACCIDENT" VARIES IN MEANING

One of the most serious causes of confusion is the fact that a reportable accident is differently defined in various states. In some states all accidents in specified industries must be reported; in one state, only those causing loss of time for two days. Three states specify one week's loss of time; one state, two weeks'; another, in certain occupations, thirty days'. In about half of the states of the Union there is no law whatever requiring accidents in factories to be reported!

NOT ALL INDUSTRIES COVERED

Another weighty criticism of our accident statistics is that they do not cover all dangerous occupations. One great industrial state, for example, has no adequate system of reporting accidents except in the one important industry of coal mining. In another, an amendment to the law extended the list of occupations in which accidents must be reported to include building construction, excavating, and engineering work. Under this added provision, during the first four months, 2,530 accidents were reported, seventy-five of which were fatal. In that one state about 90,000 industrial accidents were annually reported before the coming of compensation legislation, when the number immediately jumped to more than 200,000.

LACK OF UNIFORMITY IN INFORMATION

Serious non-conformity furthermore arises from the lack of agreement in the data required. In nineteen states fifty-eight different questions are asked. Of the fifty-eight questions, only one, the name of the injured person, is asked by all nineteen states. The date of the accident is asked by eighteen states, the age and occupation of the injured and the cause and exact nature of the accident by seventeen states, seven questions are asked by two states each, and twelve questions by only one state each.

SCIENTIFIC COMPARISON IMPOSSIBLE

Such heterogeneous information obviously cannot be compiled and compared. "That this lack of uniformity is deplorable requires no argument," declares Chief Statistician Hatch, of the New York Department of Labor. "It certainly means that scientific comparison of the operation of laws and administrative methods in different states, as to prevention or compensation, is largely precluded, and that the cumulative value of combined data for different states is lost."

STANDARD LAW AND SCHEDULE NEEDED

The committee respectfully urges upon all agencies, public or private, but especially government agencies, which collect reports of accidents, the adoption of the standard schedule which it has drawn up to meet this situation. To prepare the way for the standard schedule in states which now report accidents, but do not use it, as well as in states where no reporting at all is done, the committee submits the standard accident reporting bill printed on the next page.

The provisions of this bill have been carefully considered and they represent the combined judgment of public officials who are experienced in the administration of accident reporting laws.

This legislation provides the logical foundation for the uniform adoption of the standard schedule, which is pre-requisite to the collection of information on a scientific basis for purposes of comparison both in accident prevention and in workmen's compensation. All persons and organizations are invited to co-operate in securing the needed legislation.

STANDARD BILL FOR INDUSTRIAL ACCIDENT REPORTS

AN ACT to require the recording and reporting of certain industrial accidents, and to provide for its enforcement.

Be it enacted, etc., as follows:

SECTION 1. *Record of Accidents.*

Every employer of labor, except agricultural or domestic labor, in this state, whether a person, partnership or corporation, including the state and all governmental agencies created by it, shall keep a record of every accident which causes personal injury to an employee in the course of his employment. The record shall contain such information as the (proper official) may require and shall be open to inspection by him at all reasonable times.

SECTION 2. *Reports of Accidents.*

Within forty-eight hours after any such accident the employer shall send to the (proper official) a report thereof, stating:

- (a) Name, address and business of employer.
- (b) Name, address and occupation of employee.
- (c) Cause of injury.
- (d) Nature of injury.
- (e) Time of injury.
- (f) Place of injury.
- (g) Such other information as may be reasonably required by the (proper official).

Subsequent reports of the results of the accident and of the condition of the injured employee shall be made by the employer at such times and containing such information as the (proper official) may require. The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report, within the time required, in a stamped envelope addressed to the office of the (proper official) shall be a compliance with this section.

SECTION 3. *Blanks for Reports.*

The (proper official) shall prepare and furnish, free of cost, to the employers included in Section 1 standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the (proper official).

SECTION 4. *Reports Not Evidence.*

Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the accident therein reported.

SECTION 5. *Penalty.*

Any employer who neglects or refuses to send the report or reports as herein required shall be liable to the state for a penalty of _____ dollars for each offense, recoverable by civil action by the (proper official).

SECTION 6. *Time of Taking Effect.*

This act shall take effect on the first day of _____, 19____.

IV

ADMINISTRATION OF LABOR LAWS

Committee on Enforcement of Labor Laws

GEORGE M. PRICE, *Chairman*

Director, Joint Board of Sanitary Control, New York
Author, *Administration of Labor Laws and Factory Inspection in Certain European Countries*

IRENE OSGOOD ANDREWS

Assistant Secretary, American Association for Labor Legislation

LEWIS T. BRYANT

Commissioner of Labor, New Jersey

SELSKAR M. GUNN

Member, Massachusetts Board of Labor and Industries
Professor, Public Health, Massachusetts Institute of Technology

SAMUEL McCUNE LINDSAY

Professor, Social Legislation, Columbia University
Vice-Chairman, National Child Labor Committee

JAMES M. LYNCH

Commissioner of Labor, New York
Former President, International Typographical Union

CHARLES McCARTHY

Director of Investigations, United States Commission on Industrial Relations

DOROTHY STRAUS

Attorney, New York City

ADMINISTRATION OF LABOR LAWS

In all its work the Association has never lost sight of the fact that the supreme test of labor legislation is its enforcement.

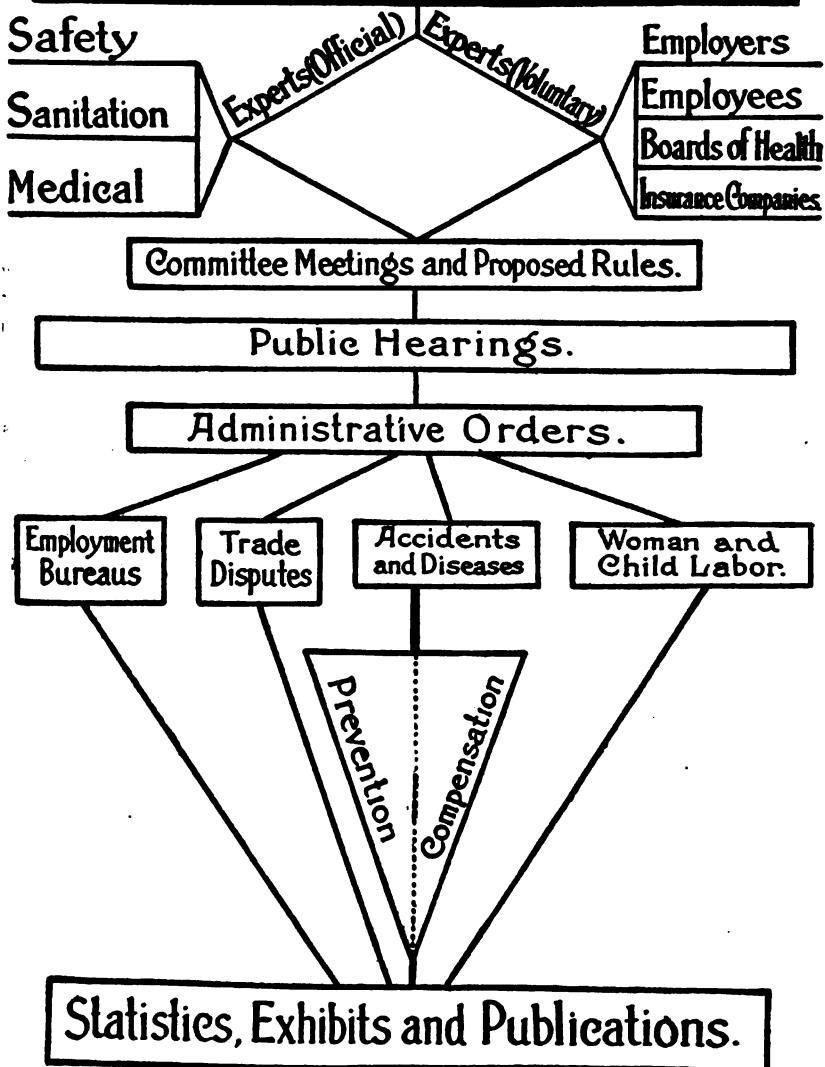
From every industrial state comes the demand for help in developing a more efficient system of administering the labor law. In the movement which began with the organization of the Wisconsin Industrial Commission in 1911 and which spread to California, Massachusetts, New York, Ohio, and Pennsylvania, until now almost one-half of the industrial wage-earners of the country are offered a new form of protection, the Association cooperated step by step.

The first declaration by the Association on this subject was the article published in June, 1911, jointly by the secretary and assistant secretary on "Scientific Standards in Labor Legislation." The article pointed out the difficulties of enforcing hastily enacted, unscientific labor legislation, and on the basis of successful experience in England and under the Massachusetts Board of Boiler Rules urged as a solution of the problem an industrial commission with power to issue administrative orders.

COMMISSION IDEA TAKES Root

The Wisconsin commission, the first of the kind in this country, was created soon afterwards and a few months later, at the September, 1911, conference on accident prevention, the administration of labor laws through state commissions was one of the main topics discussed. Professor John R. Commons of the University of Wisconsin, a member of the Association's Executive Committee, who was influential in establishing the Wisconsin commission and was one of its first members, described the commission law and told what that body hoped to do. A year and a half later, at the Sixth Annual Meeting, Professor Commons was able to deliver an inspiring address on what the commission had actually accomplished. The explanation of the wave of legislation providing for the commission or advisory board method in other states may be found in the protests against old methods of factory inspection voiced by manufacturers, laborers, insurance experts, investigators and administrative officials in the public discussion which followed throughout the country.

INDUSTRIAL COMMISSION



SUGGESTIVE OUTLINE OF A FORM OF ORGANIZATION FOR A STATE INDUSTRIAL COMMISSION

At the Fifth and Seventh Annual Meetings, also, labor law enforcement played a prominent part in the proceedings. The December, 1913, issue of the **AMERICAN LABOR LEGISLATION REVIEW**, which appeared just in advance of the Seventh Annual Meeting, was exclusively devoted to this subject, and the introductory note of that issue, published separately as a pamphlet, was widely used in the agitation in a number of states for a more advanced type of administrative authority.

PUBLICATIONS

August 1910—Review of Labor Legislation of 1910, containing **Administration of Labor Laws** (2 p.).

June 1911—Scientific Standards in Labor Legislation (12 p.).

October 1911—Review of Labor Legislation of 1911, containing **Administration of Labor Laws** (10 p.).

December 1911—Proceedings of Conference on Prevention and Reporting of Industrial Injuries, containing **The Industrial Commission of Wisconsin** (9 p.); **Massachusetts Board of Boiler Rules** (11 p.); **Safety Inspection in Illinois** (11 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing **A Federal Mining Commission** (13 p.).

October 1912—Review of Labor Legislation of 1912, containing **Administration of Labor Laws** (10 p.).

December 1912—Immediate Legislative Program, containing **Factory Inspection and Labor Law Enforcement** (9 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing **How the Wisconsin Industrial Commission Works** (6 p.); **Laborer's View of Factory Inspection** (5 p.); **Employer's View of Factory Inspection** (4 p.); **Efficiency of Present Factory Inspection Machinery in the United States** (5 p.).

October 1913—Review of Labor Legislation of 1913, containing **Administration of Labor Laws** (12 p.).

December 1913—**Administration of Labor Laws**. **Scientific Standards in Labor Legislation** (6 p.); **Diversity of Labor Law Enforcement** (27 p.); **Duties and Organization of State Labor Departments** (18 p.); **Directory of State Bodies Administering Labor Laws** (6 p.).

January 1914—Pamphlet on **Progressive Tendencies in Labor Law Administration in America** (6 p.).

October 1914—Review of Labor Legislation of 1914, containing **Administration of Labor Laws** (3 p.).

V

SOCIAL INSURANCE

Committee on Social Insurance

EDWARD T. DEVINE, *Chairman*

Director, New York School of Philanthropy
Professor, Social Economy, Columbia University
Former General Secretary, New York Charity Organization Society
Author, *Misery and Its Causes*, *The Spirit of Social Work*, etc.

MILES M. DAWSON

Consulting Actuary
Member of New York Bar.
Joint Author, *Workingmen's Insurance in Europe*

CARROLL W. DOTEN

Secretary, American Statistical Association
Professor, Economics and Statistics, Massachusetts Institute of Technology
Former Investigator, Massachusetts Commission on Compensation for Industrial Accidents

HENRY J. HARRIS

Chief, Division of Documents, Library of Congress
Former Expert, United States Bureau of Labor
Author, *Industrial Accidents and Loss of Earning Power*; *German Experience*

CHARLES R. HENDERSON

Professor, Sociology, University of Chicago
Former Secretary, Illinois Commission on Occupational Diseases
Author, *Industrial Insurance in the United States*, etc.

FREDERICK L. HOFFMAN

Statistician, Prudential Insurance Company
Author, *Insurance Science and Economics*, etc.

I. M. RUBINOW

Statistician.
Former Expert, United States Bureau of Labor
Author, *Studies in Workmen's Insurance, Social Insurance*, etc.

HENRY R. SEAGER

Professor, Economics, Columbia University
Former Member, New York Commission on Employers' Liability and Other Matters
Author, *Social Insurance, Principles of Economics*, etc.

JOHN B. ANDREWS, *Secretary*

Secretary, American Association for Labor Legislation
Author, *Compensation for Occupational Diseases*, etc.

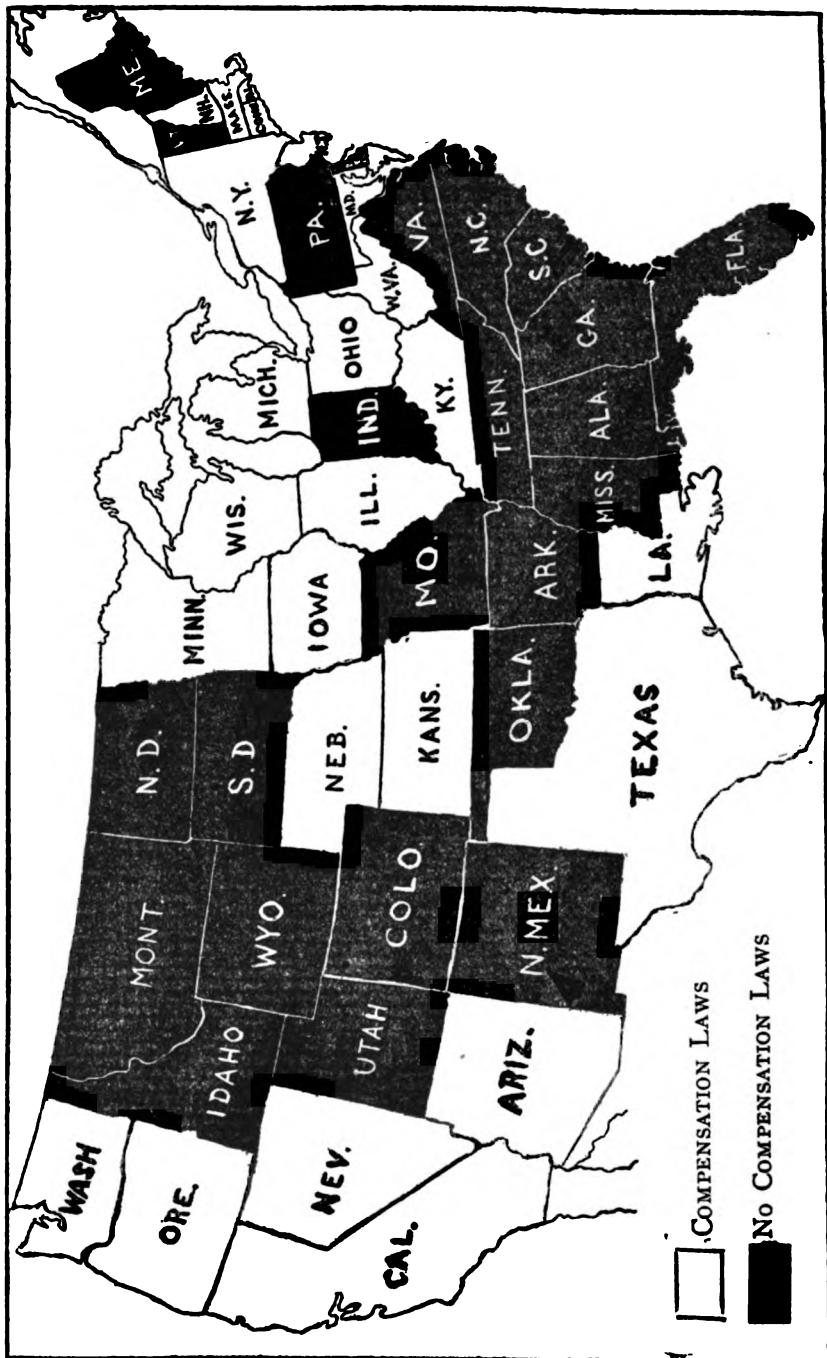
SOCIAL INSURANCE

In the world-wide movement for social insurance the United States has lagged a quarter of a century behind Europe, where sickness insurance was established in Germany in 1883 and an international Permanent Committee on Social Insurance was formed in Paris in 1889. Ever since its organization in 1906 the American Association for Labor Legislation has regarded the enactment of a just plan of compensation for industrial accidents and occupational diseases as one of its most immediate problems. It has taken from the beginning an active part in the campaign by which within six years the federal government and twenty-four states, or exactly one-half of those in the union, have enacted workmen's compensation legislation.

With the conviction that careful investigation must precede the much-desired uniformity in scientific legislation, the Association early aided in bringing together in interstate conferences the members of the state commissions on workmen's compensation. Four national conferences were held, with very satisfactory results, at Atlantic City, July 29-31, 1909; Washington, January 20, 1910; Chicago, June 10-11, 1910; and Chicago, November 10-12, 1910. At the third conference the Association, as an accommodation, managed the details of the meetings and edited and distributed the proceedings.

STATE AND FEDERAL ACTIVITY

At every one of the Association's annual sessions emphasis has been placed upon this matter, questions of constitutionality and standards for state and federal laws being discussed by active workers in the various fields. Careful studies have been made of accident prevalence, of employers' liability awards, of court decisions, and of compensation laws and their operation throughout the country and abroad. The Kern-McGillicuddy bill now before Congress, to supplant the present inadequate compensation law of 1908 for federal employees, is the culmination of a movement launched and persistently followed up by the Association. Assistance has also been given in framing and in securing adequate laws in several



WORKMEN'S COMPENSATION LAWS IN THE UNITED STATES

ONE HALF OF THE MAP IS NOW COVERED. WITHIN THE LAST FOUR YEARS 24 OF THE 48 STATES HAVE ENACTED COMPENSATION LAWS
 (REVISED TO DECEMBER 31, 1914.)

states, especially in New York, and—as is sometimes necessary—in defeating bad bills. As far back as 1910 a national Committee on Workmen's Compensation was appointed and performed valuable work in discouraging discrimination against non-resident alien dependents of deceased workmen in employers' liability laws as well as in compensation acts.

COMPENSATION FOR OCCUPATIONAL DISEASES

The Association has consistently maintained that the arguments advanced and accepted for compensation for industrial accidents hold equally well with regard to compensation for occupational diseases. Several studies have been made in this field, and as stated in the section on Occupational Hygiene the principle of indemnity for illnesses of occupation has been embodied in the Kern-McGilllicuddy bill.

SOCIAL INSURANCE COMMITTEE

The Sixth Annual Meeting of the Association in Boston, 1912, empowered the Executive Committee to appoint a special Committee on Social Insurance, whose membership includes Edward T. Devine, chairman, director New York School of Philanthropy, professor of social economy at Columbia University, former secretary New York Charity Organization Society; Miles M. Dawson, consulting actuary, member of New York bar; Carroll W. Doten, secretary American Statistical Association, professor of economics and statistics at Massachusetts Institute of Technology, chief investigator for Massachusetts Commission on Compensation for Industrial Accidents; Henry J. Harris, chief of the Division of Documents of the Library of Congress, expert for United States Bureau of Labor; Charles R. Henderson, professor of sociology at University of Chicago, secretary Illinois Commission on Occupational Diseases; Frederick L. Hoffman, statistician for Prudential Insurance Company; I. M. Rubinow, former expert, United States Bureau of Labor; Henry R. Seager, professor of economics at Columbia University, member New York Commission on Employers' Liability and Other Matters; and John B. Andrews, secretary.

The appointment of this committee not only showed the growth

of American interest in the subject, but marked a considerable extension of the Association's work. Its purpose was the making of a thorough, scientific inquiry into the whole field of social insurance as a basis for formulating a comprehensive plan suited to American conditions, including not only compensation for industrial accidents but also protection against sickness, unemployment, and old age and invalidity, those ordinary contingencies against which it is becoming more and more evident that the average industrial wage-earner is unable properly to provide through his own unaided efforts.

FIRST NATIONAL CONFERENCE ON SOCIAL INSURANCE

The first public action taken by the committee was the calling of the first American Conference on Social Insurance, in Chicago, June 6-7, 1913. Interest in the conference was widespread and reports of its proceedings were given extensive publicity by the press. Governors of the main industrial states appointed delegates, and the discussions were participated in by government and labor bureau officials, economists, employers, and many private insurance men. The conference proved to be of great educational value in stimulating and in forming public opinion. The subject of the first session was Next Steps in Social Insurance, the second took up Comprehensive Plans for Social Insurance, while the third was devoted to certain problems connected with workmen's compensation. The proceedings of the conference, together with a select bibliography on social insurance, constituted the REVIEW for June, 1913.

At the Seventh Annual Meeting in Washington, December, 1913, a session was given up to the subject of sickness insurance, both voluntary and compulsory systems being discussed. At this meeting, also, it was voted to discontinue the Committee on Workmen's Compensation and to merge its work with that of the Committee on Social Insurance.

For distribution at the First National Conference on Unemployment in New York in February, 1914, a report of the German Imperial Labor Office giving the existing provisions for unemployment insurance was translated by the statistical bureau of the Metropolitan Life Insurance Company, and was widely circulated.

FORMULATION OF STANDARDS

August, 1914, saw the publication of the Association's *Standards for Workmen's Compensation Laws*, drafted by the Committee on Social Insurance. Showing as they do the spread of compensation laws through the country and establishing upon a broad basis of experience the essential minimum requirements for adequate legislation, these standards have been received with enthusiasm in all progressive quarters. The main points in the standards are: inclusion of occupational diseases as grounds for compensation; requirement of medical attendance; compensation on a basis of 66½ per cent of wages during the entire period of total incapacity or of widowhood; a waiting period of three to seven days before the beginning of compensation; the inclusion of child dependents up to the age of eighteen; and the establishment of an accident board to administer the act.

Soon afterward the committee, believing sickness insurance to be the next most urgent problem in its field, followed up its compensation standards with a tentative statement of the lines it proposed to follow in drafting a sickness insurance bill. It advocated compulsory sickness and invalidity insurance for all those receiving less than a given annual income, to be agreed on later, such insurance to be paid for by contributions from employers, employees and the state, and administered through mutual funds run jointly by employers and employees under state supervision. Just as the predominating aim of the committee in its work on accident compensation was rather prevention of than remuneration for accidents, so in outlining its proposals for sickness insurance, the predominating aim of the committee has been to insure the better conservation of health.

PUBLICATIONS

August 1910—Review of Labor Legislation of 1910, containing Employers' Liability and Workmen's Compensation (6 p.).

January 1911—Proceedings of Fourth Annual Meeting, containing Compulsory Compensation for Injured Workmen (8 p.); Voluntary Indemnity for Injured Workmen (6 p.); Problems and Progress of Workmen's Compensation in the United States (17 p.).

October 1911—Review of Labor Legislation of 1911, containing Employers' Liability, Workmen's Compensation and Insurance (28 p.); Pensions, Old Age (1 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing Compulsory State Insurance from the Workman's Viewpoint (14 p.); Accident Compensation for Federal Employees (14 p.); Constitutional Status of Workmen's Compensation (16 p.).

October 1912—Review of Labor Legislation of 1912, containing Employers' Liability, Workmen's Compensation and Insurance (9 p.); Pensions, Old Age (1 p.).

December 1912—Immediate Legislative Program, containing Compensation of Federal Employees for Accidents and Diseases (6 p.); State Workmen's Compensation Legislation (3 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Need of a New Federal Employees' Compensation Law (10 p.).

February 1913—Leaflet No. 11, on Workmen's Compensation for Employees of the United States (2 p.).

March 1913—Leaflet on Workmen's Compensation and Insurance (4 p.).

March 1913—Leaflet on Criticism of Insurance Committee's Substitute for Foley-Walker and Murtough-Jackson Compensation Bills (1 p.).

March 1913—Leaflet on Position of the American Association for Labor Legislation in Reference to Workmen's Compensation Bills at Albany (1 p.).

March 1913—Leaflet on A Model Compensation Bill (1 p.).

March 1913—Leaflet on New Committee on Social Insurance (4 p.).

April 1913—Pamphlet on Compensation for Occupational Diseases (12 p.).

June 1913—Proceedings of First National Conference on Social Insurance. The Problem of Social Insurance: an Analysis (9 p.); Sickness Insurance (10 p.); Insurance against Unemployment (11 p.); Pensions for Mothers (11 p.); Old Age Insurance (11 p.); Systems of Wage-Earners' Insurance (16 p.); Advantages of Compulsory State Insurance (6 p.); Advantages of Casualty Company Insurance (6 p.); Superiority of Compulsory Mutual Insurance (7 p.); Select Bibliography on Social Insurance (6 p.).

October 1913—Review of Labor Legislation of 1913, containing Employers' Liability, Workmen's Compensation and Insurance (17 p.); Pensions and Retirement Systems (2 p.).

October 1913—Table of Main Provisions of Existing State Laws Relative to Workmen's Compensation and Insurance (1 p.).

December 1913—Administration of Labor Laws, containing Directory of Workmen's Compensation Commissions (2 p.).

February 1914—Pamphlet on Present Status of Unemployment Insurance (13 p.).

March 1914—Proceedings of Seventh Annual Meeting, containing Practicability of Compulsory Sickness Insurance in America (24 p.); Sickness Benefit Funds among Industrial Workers (9 p.); Trade Union Sickness Insurance (10 p.); Appeal of Permanent International Committee on Social Insurance (9 p.).

August 1914—Pamphlet on Standards for Workmen's Compensation Laws (14 p.).

October 1914—Review of Labor Legislation of 1914, containing Employers' Liability, Workmen's Compensation and Insurance (7 p.); Pensions and Retirement Systems (2 p.).

WORKMEN'S COMPENSATION FOR EMPLOYEES OF THE UNITED STATES

Why Congress Should Pass the Kern-McGillicuddy Bill (H. R. 15222)

The existing federal law, granting to certain employees of the United States the right to compensation for injuries received in the course of their employment, went into effect on August 1, 1908. Since then it has several times been extended in scope. However, in spite of its benefits, which are admitted to have been substantial and real, the law still falls far short of what it should be if workmen who lose their health, their limbs or their life in the service of the nation are to receive justice.

Weaknesses of the Existing Law (Act of May 30, 1908).

One of the serious shortcomings of the existing law is that it confines its benefits to only one-fourth of the government's 400,000 civilian employees. During the five years from August 1, 1908, to July 1, 1913, no fewer than 42,290 injuries were reported, of which 1,006 were fatal. Claims were made in only 14,963 cases, 565 of which were on account of fatal injuries. What of the 441 injuries resulting in death and the 26,886 lesser injuries, on account of which no claim was made? They were simply not covered by the act. Fortunately, some of these fatalities were in the life-saving and in the railway-mail service where limited compensation is provided by special laws.

Another serious shortcoming is that the workman who contracts an occupational disease, such as lead poisoning, as the necessary and inevitable consequence of his work, is debarred from compensation. The leading parliaments of the world have agreed that the worker who is incapacitated by occupational disease should not be debarred from compensation merely because the cause of his incapacity is gradual and not sudden.

A feature unsatisfactory alike to administrative officials and to

workmen is that no incapacity lasting less than fifteen days is compensated, but if the injury lasts more than fifteen days, compensation is paid from the date of the injury. With the "waiting time" thus unwisely extended, the temptation to malinger is encouraged; on the other hand, many deserving cases are deprived of indemnity.

The severest indictment against the act, however, is against the scale of compensation established. The most liberal benefit granted is only one year's pay even for total disablement, blindness or death. "Fractures of an arm or leg," reports the Bureau of Labor, "have led to payments in amounts less than \$25, the loss of an eye in amounts varying between \$25 and \$50, and in case of the loss of a right arm the injured workman was entitled to a payment of less than \$50 while in three cases of the loss of both legs the average compensation was \$377.40." Furthermore, "No other country," declared Commissioner Neill, "offers to the widow and children of an employee killed in its service an amount so pitifully and disgracefully small."

In nearly every one of its main provisions the act of 1908 is worse than the worst European law. (See comparative analysis following. Comparison with compensation laws recently enacted by twenty-four American states is equally striking.)

The existing law is therefore manifestly a makeshift, and an unsatisfactory makeshift at that. To attempt to amend it further is wasteful. Enlightened public consciousness demands an entirely new act, which will profit by the mistakes of the old, and lift America from among the most backward of nations in this respect to a place among the foremost.

Superiority of the Kern-McGillicuddy Bill

This bill has been drafted with great care to supplant the existing law.

It covers all civilian employees of the United States.

It provides compensation for occupational diseases as well as for "injuries."

It reduces the waiting time to three days.

It provides 66 $\frac{2}{3}$ per cent of regular pay for disabled workers during the period of their disability.

It provides reasonable benefits for widows, children, and a limited class of other dependents.

Finally, perhaps most important of all, for the real purpose of compensation acts should be not so much to indemnify for injuries as to *prevent* them, it initiates active measures for the prevention of accidents and occupational diseases in the government service.

When Congress passes this bill the United States will come much nearer to being a model employer, and will have a compensation law up to the standard set by England, Switzerland and Germany.

The American Association for Labor Legislation appeals to all public-spirited and forward-looking citizens, who wish to see America lifted to her proper place as a leader among nations in consideration for the health, comfort, safety and efficiency of her employees, to vote and work for this meritorious measure.

MAIN PROVISIONS OF THE EXISTING UNITED STATES LAW
COMPARED WITH THE

KERN-MCGILLCUDDY BILL

AND WITH THE NATIONAL LAWS OF SWITZERLAND,
GERMANY AND GREAT BRITAIN

	DISABILI-TIES COVERED	WAITING TIME	COMPENSATION (Percentage of regular pay granted and duration of payment) FOR		
			Temporary Disability	Permanent Disability	Death
			100 Up to one year only	100 One year only	100 One year only
U. S. Law (1908)	Injuries	15 days			
Kern-McGill- cuddy Bill (1914)	Injuries and occupational diseases	8 days	66½ During disability	66½ During disability	25-66½ During dependency
Swiss Law (1912)	Injuries and occupational diseases	8 days	70-80 During disability	70 During disability	20-60 During dependency
German Law (1911)	Injuries and occupational diseases	8 days	50-66½ During disability	66½ During disability	20-60 During dependency
British Law (1906)	Injuries and occupational diseases	1 week	50 During disability	50 During disability	800 Lump sum

Although more liberal than the existing federal law, many of the provisions of the Kern-McGillicuddy bill are duplicated or exceeded in the compensation laws of several American states. Ohio and New York, *e. g.*, provide a scale of 66½ per cent of regular pay during the entire period of disability; only nine states out of twenty-four limit the benefits of compensation acts to so-called hazardous employments; and Washington and Oregon have entirely dispensed with "waiting time."

STANDARDS FOR WORKMEN'S COMPENSATION LAWS

Recommended by the
AMERICAN ASSOCIATION FOR LABOR LEGISLATION

ANNOUNCEMENT

During the first five years of agitation for workmen's compensation laws in the United States, the American Association for Labor Legislation believed it could best serve the cause by collecting and disseminating information. It analyzed and published up-to-date reviews of legislation. It assisted in the creation of official commissions and helped to bring them together in national meetings. It organized the first American conferences on Occupational Diseases and on Social Insurance. Without dogmatically drafting bills of its own during this experimental period it assisted with information, urged well-tested improvements, and pointed out obvious shortcomings in proposed legislation.

Meanwhile the federal government and twenty-four states enacted compensation laws all more or less inadequate. Pioneer efforts were sometimes too cautious and sometimes too bold. A few daring advances were repulsed by the courts, while others were accepted as sound contributions to social insurance. In the majority of instances the first steps, in the light of subsequent experience, now appear to have been somewhat halting and unduly conservative.

It is practically certain that within the next five years numerous bills will be drafted to strengthen these existing laws and to extend the compensation system over the remaining twenty-four states. The time, therefore, seems opportune for an appraisal of results, for the adoption of new ideals, based upon the first five years' experience.

Throughout the period of agitation our special committee, composed of disinterested, social-minded citizens of practical experience in walks of life which permitted them as a working committee to observe keenly and judge impartially, have studied this problem.

After repeated conferences for discussion and final revision, this committee now submits its conclusions in the hope that the standards here presented will be a real influence in the constructive period of workmen's compensation legislation now before the country. The

Association has embodied these standards in a model bill providing compensation for injured employees of the federal government, and this bill has been reported favorably by the Committee on the Judiciary of the United States House of Representatives. It is hoped that this work may help to point the way toward that desirable uniformity in legislation which shall deal liberally with the injured workman and his dependents, fairly with the employer, and justly with the state.

STANDARDS FOR WORKMEN'S COMPENSATION LAWS

In the opinion of the American Association for Labor Legislation the following features are essential to satisfactory workmen's compensation laws:

I. SCALE OF COMPENSATION. Assuming machinery to insure the prompt payment of the compensation required by law, the scale of payments is the most important feature of the system. The strongest argument for compensation to all injured workmen or to their dependents is that shortened lives and maimed limbs due to industrial injuries are just as much expenses of production, which should be met by those conducting industry for their own profit, as are used-up raw materials or worn-out tools and machinery. The whole expense of losses to capital is necessarily borne by the employer. The whole expense of the personal losses due to injuries is the loss in wages sustained and the expenses for medical care during incapacity. The only logical reason for not imposing, through the employers, this entire expense on every industry that occasions it, is that injured workers must not be deprived of a motive for returning to work and to independent self-support as soon as they are able to do so. The compensation act, therefore, should provide for the expense of medical attendance up to a reasonable amount, and for the payment of such a proportion of wages to the victim of the injury during his incapacity, or to his dependents, if he be killed, as will provide for the resulting needs and yet not encourage malingering. The following scale is believed to conform to these requirements and to be the lowest that should be inserted in any compensation law:

1. **Medical Attendance.** The employer should be required to furnish necessary medical, surgical and hospital services and sup-

plies for a reasonable period (to be determined by the Accident Board). The Accident Board should be empowered to establish a schedule of physicians' and hospital fees and to control all such charges.

All of the acts except those of Kansas, Nevada, New Hampshire and Washington provide for medical attendance. In Kentucky, Maryland, Ohio, Oregon and West Virginia the period during which such services and supplies are to be furnished is left to the discretion of the Accident Board. In California, Connecticut, Massachusetts, Michigan, New York, Rhode Island, Texas and Wisconsin this board controls the amount of such services and supplies, and in Maryland and New York no charges of physicians and hospitals are enforceable unless approved by it.

2. Waiting Period. No compensation should be paid for a definite period—to be not less than three nor more than seven days—at the beginning of disability.

In Illinois, Kentucky, Ohio, Texas, West Virginia and Wisconsin the waiting period is as here recommended. In Oregon and Washington there is no waiting period.

3. Compensation for Total Disability. The disabled workman should receive during disability $66\frac{2}{3}$ per cent of wages, not to exceed \$20 a week and not to be less than \$5 a week. If he is a minor, he should, after reaching twenty-one, receive $66\frac{2}{3}$ per cent of the wages of able-bodied men in the occupation in which the injury occurred. If his wages are less than \$5 a week, his compensation should be the full amount of his wages.

All of the acts except those of Oregon and Washington base the compensation on a percentage of wages, rather than on a flat rate regardless of the wages.

The percentage of wages here recommended is the same as in Massachusetts, New York and Ohio. California and Wisconsin provide 65 per cent, while Nevada provides 60 per cent.

In California, Illinois, Kentucky, Maryland, New York, Ohio and West Virginia compensation for permanent total disability is allowed for life, and in Nebraska, Oregon and Washington compensation for total disability is payable during the continuance of the disability.

The fact that the injured employee is a minor is recognized in fixing compensation in California, Illinois, Iowa, Maryland, New York, Ohio and Wisconsin.

4. Compensation for Partial Disability. The workman who is only partially disabled should receive $66\frac{2}{3}$ per cent of the

difference between his wages before the injury and his wage-earning capacity after the injury, not to exceed \$20 a week, with provisions for minors and workmen earning less than \$5 similar to those in the case of total disability.

The principle of basing compensation for partial disability upon loss of earning power is adopted, with respect to temporary partial disability, in all the acts in this country except those of Iowa and New Jersey; and is adopted, with respect to permanent partial disability, in the acts of Arizona, California, Kansas, Massachusetts, New Hampshire, Rhode Island, Texas, Washington and West Virginia.

5. Compensation for Death.

(1) *Funeral Expenses.* The employer should be required to pay a sum not exceeding \$100 for funeral expenses, in addition to any other compensation.

In Connecticut, Iowa, Kentucky, Louisiana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Washington and West Virginia, funeral expenses are paid in all cases of death, whether or not there are dependents. The same is true in Maryland, unless the decedent's estate is large enough to pay such expense. The maximum limit ranges from \$75 in Kentucky, Washington and West Virginia to \$400 in Massachusetts and Rhode Island.

(2) *Compensation for Widow.* If living with the decedent at the time of his death, or if dependent, the widow should be granted 35 per cent of his wages until her death or remarriage, with a lump sum on remarriage equal to two years' compensation.

The method of compensation for cases of death recommended in this and in the succeeding paragraphs is substantially the same as in New York and in the Sutherland bill now before Congress relating to railroad employees. The provision for a lump sum payment to the widow on remarriage is adopted in Nevada, New York, Oregon and Washington.

(3) *Compensation for Widower.* If living with the decedent at the time of her death and dependent upon her support, the widower should receive 35 per cent of her wages, or a proportionate amount if his dependency is only partial, to be paid until his death or remarriage.

(4) *Compensation for Widow or Widower and Children.* In addition to the compensation provided for the widow and widower, 10 per cent should be allowed for each child under

eighteen, not to exceed a total of 66½ per cent for the widow or widower and children. Compensation on account of a child should cease when it dies, marries or reaches the age of eighteen.

(5) *Compensation to Children if There Be No Widow or Widower.* In case children are left without any surviving parent 25 per cent should be paid for one child under eighteen, and 10 per cent for each additional such child, to be divided among such children share and share alike, not exceeding a total of 66½ per cent. Compensation on account of any such child should cease when it dies, marries or reaches the age of eighteen.

(6) *Compensation to Parents, Brothers, Sisters, Grandchildren and Grandparents if Dependent.* For such classes of dependents 25 per cent should be paid for one wholly dependent, and 5 per cent additional for each additional person wholly dependent, divided among such wholly dependent persons share and share alike, and a proportionate amount (to be determined by the accident board) if dependency is only partial, to be divided among the persons wholly or partially dependent according to the degree of dependency as determined by the accident board. These percentages should be paid in cases where there is no widow, widower or child. Where there is a widow, widower, or child, the members of this class should receive as much of these percentages as, when added to the total percentage payable to the widow or widower or child, will not exceed a total of 66½ per cent. Compensation to members of this class should be paid only during dependency.

(7) *Compensation for Alien Non-Resident Dependents.* Aliens should be placed on the same footing as other dependents.

In Maryland, New Hampshire and New Jersey alone are alien non-resident dependents expressly and entirely excluded from compensation. In Michigan, Minnesota, West Virginia and Wisconsin and, in part, in Connecticut, Kansas, Nebraska, New York, Oregon and Washington they are expressly included. In the other states they are apparently included in the absence of any reference to them.

(8) Maximum and Minimum Compensation for Death.

The wages on which death compensation is based should be taken to be not more than \$30 per week nor less than \$10 per week; but the total amount of the weekly compensation should not be more than the actual wages.

6. Commutation for Periodical Compensation Payments.

If the beneficiary is or is about to become a non-resident of the United States, or if the monthly payments to the beneficiary are less than \$5 a month, or if the accident board determines that it would be to the best interests of the beneficiary, the employer should be permitted to discharge his liability for future payments by the immediate payment of a lump sum equal to the present value of all the future payments computed at 4 per cent true discount, compound annually. For this purpose the expectancy of life should be determined according to a suitable mortality table, to be selected at the discretion of the accident board, and the probability of the happening of any contingency, such as marriage or the termination of disability, affecting the amount or duration of the compensation, should be disregarded.

Substantially similar provisions are found in nearly all the states.

II. EMPLOYMENTS TO BE INCLUDED. The general argument for a compensation system applies to all employments. Practical considerations, however, may justify the temporary exclusion from the operation of the law of farm labor, domestic service (except in connection with hotels and restaurants) and casual employment not carried on for the profit of the employer. The act should apply to all employees not embraced in these classes.

The principle of limiting the act to so-called "hazardous employments" is adopted only in Arizona, Kansas, Kentucky, Louisiana, Maryland, New Hampshire, New York, Oregon and Washington and, in part, in Illinois, and in most of these states employers and employees in other employments may elect to come under compensation.

Farm labor and domestic service are excepted from the operation of the act in nearly all the States, either expressly or indirectly.

In Kansas, Kentucky, Nebraska, Nevada, Ohio and Texas the operation of the act is limited to employers employing more than a certain number of employees, ranging from one to five; and in Connecticut, Rhode Island and Wisconsin employers of less than a certain number are not subjected to the abrogation of the defenses in case they refuse to elect compensation. In all the other States there is no distinction as to the number of employees.

In Iowa, Kentucky, New Hampshire and Washington, and apparently in Maryland, the employees to be included are limited to persons engaged in the hazardous part of the employment. In all the other States persons engaged in clerical work as well as those engaged in manual work are included.

Only in Kansas, Louisiana and New York is a casual employee included. In California, Minnesota and Rhode Island the method here recommended is in force. In some of the other States casual laborers are excluded even if employed for the purpose of the employer's trade or business.

III. INJURIES TO BE INCLUDED. Compensation should be provided for all personal injuries in the course of employment, and death resulting therefrom within six years, but no compensation should be allowed where the injury is occasioned by the wilful intention of the employee to bring about the injury or death of himself or of another. The act should embrace occupational diseases which, when contracted in the course of employment, should be considered personal injuries for which compensation shall be payable.

In all the states except Ohio, Texas and Washington the injury must arise "out of" as well as "in the course of" the employment.

The principle of limiting the time within which death must occur in order to form a basis for compensation is found in Arizona, California, Connecticut, Kentucky, Louisiana, Maryland, Nebraska, Ohio and West Virginia.

The exception of injuries caused by the wilful intention of the employee is found in Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, Washington, West Virginia and Wisconsin.

Occupational diseases have been construed to be personal injuries entitling the employee to compensation by the Supreme Court of Massachusetts.

IV. OTHER REMEDIES THAN THOSE PROVIDED BY THE COMPENSATION ACT. One of the weightiest arguments against the present system of employers' liability is that it causes vast sums to be frittered away in law suits that should be used in caring for the victims of accidents. To avoid this waste the compensation provided by the act should be THE EXCLUSIVE REMEDY. If the employer has been guilty of personal negligence, even going to the point of violating a safety statute, his punishment should be through a special action prosecuted by the state itself, not through a

civil suit for damages carried on at the expense and risk of the injured employee.

This is the law in Connecticut, Illinois, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island and Wisconsin, except that in a few of these States if the employer fails to insure the payment of compensation the injured employee has the option of claiming compensation or of suing at law with the defenses removed.

V. SECURITY FOR THE PAYMENT OF COMPENSATION AWARDS. The supreme tests of a compensation system are, first the incentive provided for reducing accidents to the utmost, second, the promptness and certainty with which compensation claims are met. The strongest incentive toward prevention results from imposing the whole expense of compensation upon the employer. The irregularity and uncertainty of accidents, however, make this policy inexpedient for small employers with limited financial resources. Security can only be attained through some system of insurance. Employers should, therefore, be required to insure their compensation liability.

Arizona, California, Louisiana, Minnesota, Nebraska, New Jersey and Rhode Island are the only states which do not require in some form or other the employer to secure the payment of compensation either by insurance or by the giving of a bond.

In accordance with the plans of insurance at present provided for, employers may either:

1. Maintain their own insurance fund subject to the approval of the Accident Board;

In Connecticut, Illinois, Iowa, Kentucky, Maryland, Michigan, New Hampshire, New York, Ohio, and Wisconsin the employer is permitted to carry his own insurance, if satisfactory to the administrative authority.

2. Insure in a mutual association authorized to insure compensation liability;

Insurance in a mutual association is permitted in most states, including California, Connecticut, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New York, Ohio, Texas and Wisconsin.

3. Insure in a state insurance fund managed by the accident board upon the same principles and subject to the same general requirements as those governing mutual insurance associations;

State insurance funds are established in California, Kentucky, Maryland, Michigan, Ohio, Oregon, New York, Nevada, Washington and West Virginia.

4. Insure in a private stock company, such companies to be subjected to the most rigid regulation as regards the rates to be charged, the agents' commissions to be paid, and the methods of compensation to be used, so that the state may be spared the experience of some states which have tried to organize an efficient state insurance system while subjecting such system to the competitive methods notoriously employed by many agents of the casualty companies.

Insurance in private stock companies is allowed in every state except Nevada, Oregon, Washington and West Virginia.

VI. ORGANIZATION OF ACCIDENT BOARD. It is essential to the successful operation of the compensation system that an accident board be created. This board should consist of three or five members appointed by the governor with the consent of the senate. The board should have power to employ necessary assistants. Its members should be required to devote their entire time to its work and should not be permitted to carry on any other business or profession for profit. The entire cost of administration of the accident board, including the administration expenses of conducting the state insurance fund managed by the accident board, should be paid out of an appropriation made by the state.

Accident boards are provided in all of the states except Arizona, Kansas, Louisiana, Minnesota, Nebraska, New Hampshire, New Jersey and Rhode Island.

VII. PROCEDURE FOR SETTLEMENT OF COMPENSATION CLAIMS. Provision should be made for the settlement of compensation claims either by agreement subject to the approval of the accident board, or if no such agreement be reached, by arbitration before a committee composed as follows: One representative of the employer, one representative of the claimant, one member of the accident board or an authorized deputy. The decision of this

committee should be made conclusive, unless the appeal therefrom is made to the accident board within a specified time. The accident board's disposition of the case on appeal from the arbitration committee should be final and conclusive unless appeal therefrom is taken within a specified time. Appeals from decrees of the accident board should not be allowed, except on questions of law, and should be carried direct to the highest court.

Agreements must be approved by the accident board in California, Connecticut, Massachusetts and Michigan. In Iowa and Wisconsin, agreements may be disapproved within a certain time. In Illinois an agreement to waive the provisions of the act as to the amount payable must be approved by the board. In Minnesota and Rhode Island agreements must be approved by the court. The same is true in New Jersey in the case of minors.

The procedure here recommended for the settlement of compensation where no agreement is reached is substantially the same as in Illinois, Iowa, Massachusetts and Michigan.

VIII. REPORTS OF ACCIDENTS. The bill should contain provisions similar to those of the standard accident reporting bill of the American Association for Labor Legislation, now in use for about half the industrial population of the country, requiring full and accurate reports of all industrial accidents as a basis for computation of future industrial accident rates and for future safety regulations to decrease or prevent accidents.

The essential features of workmen's compensation law here outlined are urged on the basis of a careful study of the whole question and of the compensation legislation not only of other states but of European countries. As one of the functions of the Association for Labor Legislation is to promote the enactment of uniform labor laws, it earnestly recommends to the careful consideration of legislators and of those who are interested in social progress the country over, the foregoing just, reasonable and progressive workmen's compensation standards.

PRELIMINARY STANDARDS FOR SICKNESS INSURANCE

Recommended by the
COMMITTEE ON SOCIAL INSURANCE

After many conferences for discussion and revision of proposals, the Committee on Social Insurance of the American Association for Labor Legislation formulated in the summer of 1914 a tentative statement of the essential lines which it purposed to follow in the drafting of a sickness insurance bill. In the hope that this statement would call forth helpful suggestions and be of substantial assistance in formulating legislative plans in the several states in which the subject has begun to receive attention, it was published as follows:

1. To be effective sickness insurance should be compulsory, on the basis of joint contributions of employer and employee and the public.
2. The compulsory insurance should include all wage workers earning less than a given annual sum, where employed with sufficient regularity to make it practicable to compute and collect assessments. Casual and home workers should, as far as practicable, be included within the plan and scope of a compulsory system.
3. There should be a voluntary supplementary system for groups of persons (wage workers or others) who for practical reasons are kept out of the compulsory system.
4. Sickness insurance should provide for a specified period only, provisionally set at twenty-six weeks (one-half a year), but a system of invalidity insurance should be combined with sickness insurance so that all disability due to disease will be taken care of in one law, although the funds should be separate.
5. Sickness insurance on the compulsory plan should be carried by mutual local funds jointly managed by employers and employees under public supervision. In large cities such locals may be organized by trades with a federated bureau for the medical relief. Establishment funds and existing mutual sick funds may be permitted to carry the insurance where their existence does not injure the local funds, but they must be under strict government supervision.
6. Invalidity insurance should be carried by funds covering a larger geographical area comprising the districts of a number of

local sickness insurance funds. The administration of the invalidity fund should be intimately associated with that of the local sickness funds and on a representative basis.

7. Both sickness and invalidity insurance should include medical service, supplies, necessary nursing and hospital care. Such provision should be thoroughly adequate, but its organization may be left to the local societies under strict governmental control.

8. Cash benefits should be provided by both invalidity and sickness insurance for the insured or his dependents during such disability.

9. It is highly desirable that prevention may be emphasized so that the introduction of a compulsory sickness and invalidity insurance system shall lead to a campaign of health conservation similar to the safety movement resulting from workmen's compensation.

VI
UNEMPLOYMENT

Executive Committee, American Section of the International Association on Unemployment

CHARLES R. CRANE, *Chairman*

Vice-President, The Crane Company, Chicago

Former Chairman, Chicago Commission on the Unemployed

President, American Section, International Association on Unemployment.

HENRY S. DENNISON

President, Dennison Manufacturing Company, Boston

CHARLES RICHMOND HENDERSON

Professor, Sociology, University of Chicago

Former Secretary, Chicago Commission on the Unemployed

Author, Industrial Insurance in the United States, etc.

JOHN MITCHELL

Member State Workmen's Compensation Commission of New York

Former President, United Mine Workers of America

Author, Organized Labor, Its Problems, Purposes and Ideals

CHARLES P. NEILL

Director, Labor and Welfare Department, American Smelting and Refining Company

Former Commissioner, United States Bureau of Labor

JOHN B. ANDREWS, *Secretary (ex-officio)*

Secretary, American Association for Labor Legislation

UNEMPLOYMENT

Parallel with the need of protecting the workman at his work runs the need of protecting him in his possession of work. At the Paris conference in 1910 which resulted in the organization of the International Association on Unemployment the American Association for Labor Legislation was represented by eight delegates: Henry W. Farnam, Charles P. Neill, Edward T. Devine, Lee K. Frankel, John B. Andrews, Irene Osgood Andrews, William Leiserson, and Helen L. Sumner. The following year, at its Fifth Annual Meeting, the American Association devoted one entire session to the problem of unemployment in America, the upshot of which was the formation, upon motion of Professor Charles Richmond Henderson of Chicago University, of the American Committee on Unemployment, to represent the Association in its relations with the international body and to conduct studies and to launch a campaign against involuntary idleness in this country. Professor Henderson was made chairman of the committee, which also included William Hard, editorial staff of Everybody's Magazine; William M. Leiserson, Wisconsin Superintendent of Employment Offices; Jane Addams, Hull House; and John B. Andrews, secretary.

The first contact between this committee and the International Association on Unemployment was established through a request from Mr. Treub, of Holland, for certain information to be collected in the United States. Meeting the request, Professor Henderson sent an inquiry to the mayors of the principal cities and to the presidents of many of the more important railways of the country to ascertain "the nature and the extent of any efforts made by them so to adjust their contracts and their works of repair or of construction as to avoid as far as possible the general discharge of employees in slack seasons and in times of industrial depression." The information thus secured was published by the international organization with the proceedings of its international conference at Zurich in September 1912. At that conference the committee was represented by Professor Henderson, Lee K. Frankel, Mr. and Mrs. Andrews, and Charles H. Verrill.

AMERICAN SECTION ON UNEMPLOYMENT

Growing out of that "social week" at Zurich where international

conferences were held by the three great international associations on unemployment, social insurance, and labor legislation, a plan for close cooperation to avoid wasteful and annoying duplication of effort in all nations was developed. The executive committee of the International Association on Unemployment submitted to the American committee by-laws which when adopted in December, 1912, formed the American Section of the International Association on Unemployment in close affiliation with the American Association for Labor Legislation. The purpose as expressed in the by-laws of the Association on Unemployment is

(a) To assist the International Association in the accomplishment of its task (Section 1, ss. 3 and 4, of the Statutes of the International Association) :

The aim of the Association is to co-ordinate all the efforts made in different countries to combat unemployment.

Among the methods the Association proposes to adopt in order to realize its object the following may be specially noticed:

(a) The organization of a permanent international office to centralize, classify and hold at the disposition of those interested, the documents relating to the various aspects of the struggle against unemployment in different countries.

(b) The organization of periodical international meetings, either public or private.

(c) The organization of special studies on certain aspects of the problem of unemployment and the answering of inquiries on these matters.

(d) The publication of essays and a journal on unemployment.

(e) Negotiations with private institutions, or the public authorities of each country, with the object of advancing legislation on unemployment, and obtaining comparable statistics or information and possibly agreements or treaties concerning the question of unemployment.

(b) To co-ordinate the efforts made in America to combat unemployment and its consequences, to organize studies, to give information to the public, and to take the initiative in shaping improved legislation and administration, and practical action in times of urgent need.

THE CHICAGO COMMITTEE

It was through the activity of the chairman of the committee that Carter H. Harrison, Mayor of Chicago, appointed the Chicago Unemployment Commission, with Charles R. Crane, chairman, and Professor Charles R. Henderson, secretary. The Chicago commission divided its members into seven committees each charged with a study of some important aspect of the question:

(1) The nature and extent of unemployment, especially in Chicago; (2) Methods of securing employment, including an inquiry into the workings of the state free employment bureaus, the private bureaus, and the methods of employers; (3) Extent and effects of migration between Europe and America in relation to unemployment; (4) The adjustment, or "dovetailing," of employment; (5) The methods of relief of the destitute unemployed; (6) The laws relating to vagrancy and mendicancy, and methods of betterment required; (7) The relation of vocational training and guidance to unemployment.

After a careful study by the second committee, the commission passed the following resolution:

1. We recommend the establishment of a labor exchange so organized as to assure: (a) adequate funds to make it efficient in the highest possible degree; (b) a mode of appointment of the salaried directors which will protect it against becoming the spoils of political factions and parties; and (c) a board or council of responsible citizens, representing employers, employees and the general public, to direct the general policy and watch over the efficiency of the administration, this board or council having the power to employ and discharge all employees subject to proper regulations of the civil service commission.

2. We recommend that the governor and legislature be requested at the next session of the legislature to amend the present law relating to free state employment bureaus so as to secure a central state labor exchange, based on the principles just stated.

A complete 175-page report was issued by the committee early in 1914.

Meanwhile the secretary of the American Section drafted an immediate program of action, prepared an American bibliography on unemployment to be included in the international bibliography on this subject to be published in English, French and German, under the direction of the international organization by the Municipal Library of Budapest, Hungary, analyzed existing legislation in the United States, prepared statistics of public employment bureaus, distributed information, collected and forwarded the dues of American members, and secured through special contributions a fund of a little more than \$1,100 to inaugurate a preliminary survey by the American Section.

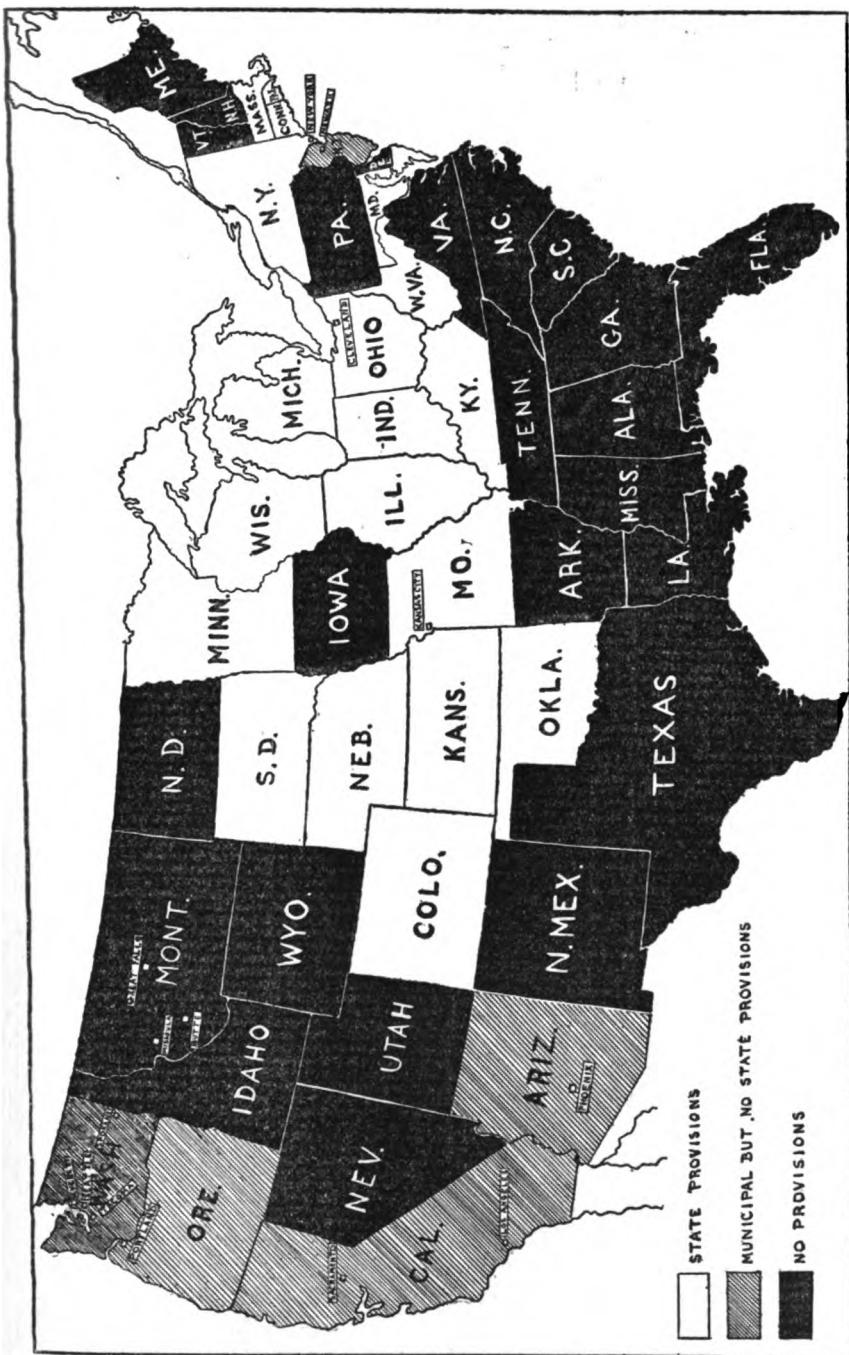
At the Seventh Annual Meeting in December 1913, the following executive committee was elected: Charles R. Crane, Henry S. Denison, Charles P. Neill, John Mitchell, Charles R. Henderson, and ex officio, Adolph Lewisohn (treasurer), and John B. Andrews (secretary).

FIRST NATIONAL CONFERENCE ON UNEMPLOYMENT

The First National Conference on Unemployment, in New York City, February 27-28, 1914, was called jointly by the American Association for Labor Legislation and by the American Section of the International Association on Unemployment for the purpose of focussing national attention on the problem. The conference was composed of delegates from twenty-five states and from fifty-nine cities. Among them were representative trade unionists, employers, economists and government officials, but all were agreed in having vital concern in the out-of-work problem. Reports on the state of employment in their respective localities formed a solid foundation for the discussion of constructive remedies, and despite the diversity of view-points represented, five main points of agreement became clearly defined. These were (1) the need for accurate labor market statistics; (2) the need for a national system of efficient labor exchanges; (3) the need for regularizing business; (4) the need for industrial training and vocational guidance; and (5) the need for unemployment insurance.

LEGISLATIVE ACTION

At the close of the conference, following the adoption of resolutions expressing the conclusions reached, active steps were taken to put the resolutions into effect. In New York state, on March 6, Governor Glynn sent to the legislature a special message urging the immediate establishment of a state system of employment bureaus. The administration's bill was introduced a few days later, and passed on the closing evening of the session, March 28, after a vigorous campaign. On March 21 Mayor Mitchel of New York city sent a special message to the board of aldermen urging the creation of a municipal employment bureau. The ordinance was adopted on April 28, and the office, opened for business on November 19, is the best equipped in America. Meanwhile work was continued on proposals to carry out sections of the resolutions urging the establishment in the federal Department of Labor of a bureau "with power to establish employment exchanges throughout the country to supplement the work being done by state and municipal bureaus, to act as a clearing house of information and promote the distribution of labor throughout the country." A bill for this purpose was introduced in Congress on April 29, 1914, by Representative Murdock of Kansas.



LEGISLATIVE PROVISIONS FOR PUBLIC LABOR EXCHANGES IN THE UNITED STATES¹

Nineteen States and at least eighteen municipalities have already provided for public labor exchanges. Besides the municipal exchanges maintained in the shaded area, such exchanges are also provided for in Missouri, Montana, New York and Ohio where indicated. Davenport, Ia., Pittsburgh, Pa., and Richmond, Va., have also established exchanges during the summer and autumn of 1914.

mer and autumn of 1914.

Especially helpful in the New York campaign was a 26-page report by a committee of the City Club of New York on Public Employment Exchanges, of which Morris L. Ernst was chairman and John B. Andrews was secretary, several thousand copies of this report having been distributed by the Association.

PUBLICATIONS

August 1910—Review of Labor Legislation of 1910, containing Unemployment (2 p.).

October 1911—Review of Labor Legislation of 1911, containing Unemployment (5 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing Introductory Address on Unemployment (2 p.); Unemployment as a Coming Issue (8 p.); Experience of the National Employment Exchange (4 p.); Recent Advances in the Struggle against Unemployment (6 p.).

October 1912—Review of Labor Legislation of 1912, containing Unemployment (1 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Report of the Committee on Unemployment (10 p.).

June 1913—Proceedings of First National Conference on Social Insurance, containing Insurance against Unemployment (11 p.).

October 1913—Review of Labor Legislation of 1913, containing Unemployment (5 p.).

February 1914—Unemployment, a Problem of Industry; program and announcement of the First National Conference on Unemployment (16 p.).

March 1914—Proceedings of Seventh Annual Meeting, containing Appeal of International Association on Unemployment (6 p.).

May 1914—Proceedings of First National Conference on Unemployment Organization to Combat Unemployment (12 p.); Reports of Delegates on the State of Employment (34 p.); Public Responsibility (24 p.); English Method of Dealing with the Unemployed (13 p.); The Struggle against Unemployment (6 p.); German System of Labor Exchanges (5 p.); Public Employment Offices in Theory and Practice (18 p.); Resolutions (2 p.); Public Employment Exchanges in the United States (13 p.); Present Status of Unemployment Insurance (13 p.); New Legislation on Employment Exchanges (9 p.); Select Bibliography on Unemployment (18 p.).

October 1914—Review of Labor Legislation of 1914, containing Unemployment (3 p.).

LAWS FOR PUBLIC EMPLOYMENT AGENCIES

The American Section of the International Association on Unemployment has not yet published any standard bill for American systems of public employment agencies. The New York State law is therefore given in full as the most recent and most complete thus far passed in the United States.

Law creating the

NEW YORK STATE BUREAU OF EMPLOYMENT
(Approved April 7, 1914. Chapter 181, Laws 1914)

Director.—The bureau of employment shall be under the immediate charge of a director who shall have recognized executive and managerial ability, technical and scientific knowledge upon the subject of unemployment and administration of public employment offices and recognized capacity to direct investigations of unemployment and public and private agencies for remedying the same. The civil service examination for the position of director shall be such as to test whether candidates have the above qualifications. As a part of such examination each candidate shall be required to submit a detailed plan of organization and administration of employment offices such as are contemplated by this article.

Public employment offices.—The commissioner of labor shall establish such public employment offices, and such branch offices, as may be necessary to carry out the purpose of this article.

Purpose.—The purpose of such offices shall be to bring together all kinds and classes of workmen in search of employment and employers seeking labor.

Officers.—Each office shall be in charge of a superintendent, who shall be subject to the supervision and direction of the director. Such other employees shall be provided as may be necessary for the proper administration of the affairs of the office.

Registration of applicants.—The superintendent of every public employment office shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the commissioner of labor.

Reports of superintendents.—Each superintendent shall make to the director such periodic reports of applications for labor or employment and all other details of the work of each office, and the expenses of maintaining the same, as the commissioner of labor may require.

Advisory committees.—The commissioner of labor shall appoint for each public employment office an advisory committee, whose duty it shall be to give the superintendent advice and assistance in connection with the management of such employment office. The superintendent shall consult from time to time with the advisory committee attached to his office. Such advisory committee shall be composed of representative employers and employees with a chairman who shall be agreed upon by a majority of such employers and of such employees. Vacancies, however caused, shall be filled in the same manner as the original appointments. The advisory committees may appoint such subcommittees as they may deem advisable. At the request of a majority either of the employers or of the employees on advisory committees, the voting on any particular question shall be so conducted that there shall be an equality of voting power between the employers and the employees, notwithstanding the absence of any member. Except as above provided, every question shall be decided by a majority of the members present and voting on that question. The chairman shall have no vote on any question on which the equality of voting power has been claimed.

Notice of strikes or lockouts.—An employer, or a representative of employers or employees, may file at a public employment office a signed statement with regard to the existence of a strike or lockout affecting their trade. Such a statement shall be exhibited in the employment office, but not until it has been communicated to the employers affected, if filed by employees, or to the employees affected, if filed by employers. In case of a reply being received to such a statement, it shall be exhibited in the employment office. If any employer affected by a statement notifies the public employment office of a vacancy or vacancies, the officer in charge shall advise any applicant for such vacancy or vacancies of the statements that have been made.

Applicants not to be disqualified.—No person shall suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through a public employment office, where the ground of refusal is that a strike or lockout exists

which affects the work, or that the wages are lower than those current in the trade in that particular district or section where the employment is offered.

Departments.—The commissioner of labor may organize in any office separate departments with separate entrances for men, women and juveniles; these departments may be subdivided into a division for farm labor and such other divisions for different classes of work as may in his judgment be required.

Juveniles.—Applicants for employment who are between the ages of fourteen and eighteen years shall register upon special forms provided by the commissioner of labor. Such applicants upon securing their employment certificates as required by law, may be permitted to register at a public or other recognized school and when forms containing such applications are transmitted to a public employment office they shall be treated as equivalent to personal registration. The superintendent of each public employment office shall co-operate with the school principals in endeavoring to secure suitable positions for children who are leaving the schools to begin work. To this end he shall transmit to the school principals a sufficient number of application forms to enable all pupils to register, who desire to do so; and such principals shall acquaint the teachers and pupils with the purpose of the public employment office in placing juveniles. The advisory committee shall appoint special committees on juvenile employment which shall include employers, workmen, and persons possessing experience or knowledge of education, or of other conditions affecting juveniles. It shall be the duty of these special committees to give advice with regard to the management of the public employment offices to which they are attached in regard to juvenile applicants for employment. Such committees may take steps either by themselves or in co-operation with other bodies or persons to give information, advice and assistance to boys and girls and their parents with respect to the choice of employment and other matters bearing thereon.

Co-operation of public employment offices.—The commissioner of labor shall arrange for the co-operation of the offices created under this article in order to facilitate, when advisable, the transfer of applicants for work from places where there is an over-supply of labor to places where there is a demand. To this end he shall

cause lists of vacancies furnished to the several offices, as herein provided, to be prepared and shall supply them to newspapers and other agencies for disseminating information, in his discretion, and to the superintendents of the public employment offices. The superintendent shall post these lists in conspicuous places, so that they may be open to public inspection.

Advertising.—The commissioner of labor shall have power to solicit business for the public employment offices established under this article by advertising in newspapers and in any other way that he may deem expedient, and to take any other steps that he may deem necessary to insure the success and efficiency of such offices; provided, that the expenditure under this section for advertising shall not exceed five per centum of the total expenditure for the purposes of this article.

Service to be free.—No fees direct or indirect shall in any case be charged to or received from those seeking the benefits of this article.

Penalties.—Any superintendent or clerk, subordinate or appointee, appointed under this article, who shall accept directly or indirectly any fee, compensation or gratuity from any one seeking employment or labor under this article, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in jail for a term not exceeding six months, or both, and shall thereafter be disqualified from holding any office or position in such bureau.

Labor market bulletin.—The bureau of statistics and information of the department of labor shall publish a bulletin in which shall be made public all possible information with regard to the state of the labor market including reports of the business of the various public employment offices.

Information from employment agencies.—For the purpose specified in the foregoing section every employment office or agency, other than those established under this article, shall keep a register of applicants for work and applicants for help in such form as may be required by the commissioner of labor in order to afford the same information as that supplied by state offices. Such register shall be subject to inspection by the commissioner of labor and information therefrom shall be furnished to him at such times and in such form as he may require.

VII

ONE DAY OF REST IN SEVEN

**Committee on One Day of Rest in Seven
(Committee on Continuous Industries)**

JOHN FITCH, Chairman

Associate Editor, *The Survey*
Author, *The Steel Workers*

LOUIS D. BRANDEIS

Attorney, Boston

CHARLES M. CABOT

United States Steel Corporation

ERNST FREUND

Professor, Jurisprudence and Public Law, University of Chicago
Law School
Commissioner of Uniform State Laws for Illinois
Author, *The Police Power, etc.*

CHARLES S. MACFARLAND

Secretary, Federal Council of the Churches of Christ in America
Author, *The Christian Ministry and the Social Order, etc.*

WILLIAM D. MAHON

President, Amalgamated Association of Street and Electric Railway
Employees of America

ONE DAY OF REST IN SEVEN

An important activity of the Association has been its campaign for one day of rest in seven and for the reduction of the length of the shift in continuous industries.

The Sixth Delegates' Meeting of the International Association for Labor Legislation, at Lugano, 1910, established a Special Commission on Hours of Labor in Continuous Industries, the members of which prosecuted studies in their home countries and met in London, June, 1912, to formulate a report for presentation to the Seventh Delegates' Meeting occurring at Zurich three months later. The American Association was represented on this commission by John Fitch of *The Survey*, author of the volume on *The Steel Workers in the Pittsburgh Survey*.

One of the first duties of the commission was to agree on a definition of a "continuous industry," which it finally formulated in the following terms:

A continuous industry or part of an industry is one where work is carried on night and day for not less than thirty days in a year, whether or not there are short interruptions when shifts are changed or during meal times or when work is stopped at the week ends. The subdivisions of continuous industries will then be as follows:

- (1) Industries or parts of industries which are continuous (work night and day) for technical reasons:
 - (a) Industries which are absolutely continuous (i.e., work night and day, week-days, and Sundays);
 - (b) Industries which work continuously five or six days in the week and then stop at the week end.
- (2) Industries or parts of industries which are habitually continuous, not on account of technical necessity, but for reasons of economy (in order to obtain cheapness of production, or larger output, etc.), or of public necessity.

Thereupon the following resolutions were adopted:

RESOLUTION I:

- (a) In view of the facts which have been placed before the commission, we are of opinion that the eight-hour shift in continuous industries (industries working night and day) is the best shift system for such work, and should be strongly recommended both from the point of view of the physical and moral welfare of the workers and in the social and economic interests of society generally.

- (b) The special reports presented by the different national sections have shown that in the iron and steel industries the eight-hour day is very necessary, and is practicable.
- (c) The commission asks the International Association to address to the governments as soon as possible the request to arrange a conference of the interested states, with a view to arriving at an international agreement as to the introduction of the eight-hour day in these industries.

RESOLUTION II:

- (1) The commission is of opinion that the national sections should, by investigations, prepare the way for the introduction of the eight-hour day or of a corresponding maximum week in the continuous industries where
 - (a) the working day (i.e., hours during which the workmen are required to be present at the works) exceeds ten hours in twenty-four;
 - (b) each set of men works more than six shifts per week.
- (2) Notwithstanding, the commission is of opinion that, as regards glass works, the investigations are sufficiently advanced for the conclusion of an international convention to be recommended, on the basis of a maximum working week of fifty-six hours, with an uninterrupted weekly rest of twenty-four hours.

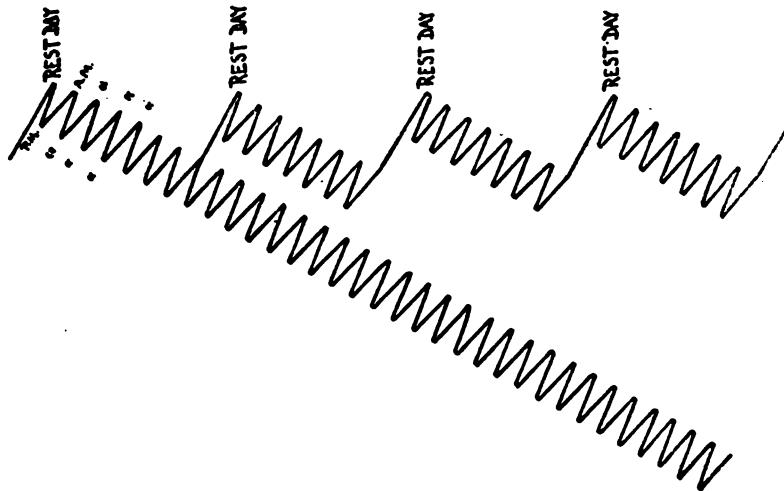
Action in conformity with these resolutions was taken by the Zurich meeting. In America the 26-page report of the special commission was widely circulated from Association headquarters, and studies were pushed ahead looking especially to the limitation of the working week to six days.

At the annual meetings much attention is regularly given to the topic of hygienic working hours. Thus at the Fifth Annual Meeting, in December, 1911, the following resolutions were unanimously adopted upon motion of John Martin:

Whereas the number of industries that are kept in continuous operation and the number of wage-earners who are regularly employed every day in the week in such industries have greatly increased in recent years;

Whereas the so-called Sunday Laws enacted in the first instance to protect the Sabbath from desecration have not only, in the turmoil and rush of modern industrial conditions, failed to do that, but have also signally failed in protecting men from the debasing effects of continuous seven-day toil;

Whereas regular employment for eight hours or more a day on all seven days of the week tends to undermine the health, dwarf the minds and debase the morals of those engaged in it, by depriving them of the opportunity for reasonable rest, relaxation and enjoyment with family and friends, which is craved by every normal person; and



HAEGLER'S CHART

[From *Weekly Rest from the Hygienic Viewpoint*, Geneva, 1883]
Fatigue curves show daily depletion of strength and nightly recuperation.

The upper line shows the effect of the weekly day of rest.

The lower line shows the gradual depression of strength with daily work and no time of rest.

Whereas several large companies have found it practicable to adopt a system allowing one day's rest in seven to all employees in continuous processes; Therefore be it

Resolved, That this Association favors, and pledges itself to support legislation that will serve to protect industrial workers from being required or permitted to work regularly seven days in any week, and be it further

Resolved, That the president of this Association be directed to appoint a committee of five or more persons to draft a bill designed to accomplish this object, and that an earnest effort be made to secure the enactment of this bill into law in the several states.

In accordance with these resolutions, the following committee was appointed: John Fitch, chairman; Charles S. McFarland, Federal Council of the Churches of Christ in America; Charles M. Cabot, United States Steel Corporation; Louis Brandeis, attorney; Ernst Freund, University of Chicago Law School; William D. Mahon, Amalgamated Association of Street and Electric Railway Employees of America, and John B. Andrews, secretary. A stand-

ard bill for uniform legislation was drafted, and in 1913 was enacted in both New York and Massachusetts. The law has been found helpful by organized and unorganized workers in improving their conditions of labor, and has been welcomed by enlightened employers. An extended report on the operation of the law in the two states named will be found on the following pages.

At the Seventh Annual Meeting the Association was fortunate in securing as chairman of its session on Working Hours in Continuous Industries the Hon. William C. Redfield, Secretary of Commerce, whose declaration that "tired men are partly poisoned men" struck the keynote of the campaign for shorter working hours on the basis of efficiency as well as of social justice.

PUBLICATIONS

Association publications on the subject of hours of adult men, including publications on one day of rest in seven, are:

August 1910—Review of Labor Legislation of 1910, containing Hours (2 p.).

October 1911—Review of Labor Legislation of 1911, containing Hours (5 p.).

October 1912—Review of Labor Legislation of 1912, containing Hours (5 p.).

December 1912—Immediate Legislative Program, containing One Day of Rest in Seven (17 p.).

January 1913—Leaflet No. 10, on One Day of Rest in Seven (4 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Rest Periods for the Continuous Industries (10 p.).

October 1913—Review of Labor Legislation of 1913, containing Hours (8 p.).

March 1914—Proceedings of Seventh Annual Meeting, containing Introductory Address on Working Hours in Continuous Industries (4 p.); Work Periods in Continuous Day and Night Occupations (8 p.); Eight-hour Shifts in the Milling Industry (3 p.); Long Hours in Railroading (9 p.); Constitutional Aspects of Hour Legislation for Men (3 p.).

October 1914—Review of Labor Legislation of 1914, containing Hours (5 p.).

OPERATION OF WEEKLY REST DAY LAW IN NEW YORK AND MASSACHUSETTS

NEW YORK

The New York law providing for one day of rest in seven for workers in manufacturing and mercantile establishments was enacted in 1913 and went into effect on October 1 of that year.

During the first twelve months of the law's operation, ending September 30, 1914, three classes of questions have arisen with regard to it. One class relates to the establishments or occupations covered. In many cases employees who wanted a day off, and employers who did not, wrote to the department of labor for relief only to find that the law did not apply to them. In many cases, also, occupations were involved concerning which it was previously not clear whether or not they were factories or mercantile establishments as these are defined in the law. In some of the cases opinions were secured from the attorney-general; others were handled by departmental rulings.

The second class of questions arises from the power given to the New York Industrial Board to grant exemptions "for specified periods," "when the preservation of property, life or health requires." During the first year some forty-four formal requests for exemption under this clause have come to the board. Among the industries represented were the cheese, cream, condensed milk, ice, candy, canned fruit and vegetables, flour, brewing, limestone and sand, brick, coal tar dyes, paper, and electric power. The following table shows the disposition of the cases, as shown in the minutes of the board, which under the law are public records.

APPLICATIONS TO NEW YORK INDUSTRIAL BOARD FOR EXEMPTION UNDER ONE-DAY-REST LAW, WITH RESULTS AND REASONS

<i>Industry</i>	<i>Result</i>	<i>Reason</i>
Creamery	Denied	Statute does not contemplate continuous exemption
Limestone and sand	Granted	Situation probably not anticipated in the statute
Florist	Denied	Statute does not contemplate continuous exemption

<i>Industry</i>	<i>Result</i>	<i>Reason</i>
Meat packing	Denied	Referred to Commissioner of Labor to devise means of complying with law
Not stated	Granted	Granted pending investigation by inspector; later confirmed
Flour milling	Granted	Preservation of property—large grain shipment expected, wanted to grind grain in elevator to make room
Cooperage	Denied	Board has no power to permit firemen to work 6 hours on Sunday instead of 3
Cheese	Granted	Preservation of property
Not stated	Tabled	Referred to Committee on Sanitation and Comfort, which reported insufficient information
Florist	Denied	Could keep open on the two Sundays requested by giving employees other days off
Not stated	Referred to Commissioner of Labor for adjustment if possible	Not stated
Malt	Denied	Statute does not contemplate continuous exemption
Not stated	Referred to Commissioner of Labor	Upon investigation by special agent of Department, firm agreed to give men who were called upon to do Sunday work a day off in the following week
Ice	Referred to Administrative authority	Not within purview of Board
Brewing	Denied	Not stated
Brewing	Denied	Not stated
Creamery	No action	No reply to Board's statement of policy
Creamery	Same as above	Same as above
Electric Appliances	Granted	Emergency—destructive fire in plant
Cheese	Action deferred pending result of bill	Bill pending, exempting industry from law

Industry	Result	Reason
Condensed milk	Same as above	Same as above
Paper	Referred to special committee	Not stated
Electric power (Request for interpretation of statute)	Laid aside	Bill pending, amending definition of factory, which would settle question
Reduction	Granted	Large accumulation of garbage, due to high water, a menace to health
Horticulture	Referred to Commissioner of Labor	Not stated
Furnace	Public hearing held; Not stated no action	
Dry dock	Referred to Commissioner of Labor	Not stated
Brick	No action	Matter not in shape to be handled by Board
Canning	Granted (for 83 plants owned by 54 firms)	"Serious damage and loss by reason of sudden and rapid ripening of crops, unless anticipatory relief is granted"
Brick	No action	No action necessary
Cheese (Request for extension of expired exemption)	Granted	Firm willing to reduce weekly hours without reduction of pay, but found seven day work necessary; agreed to reduce hours to 60 and as rapidly as possible to 55 a week
Not stated	Granted	"Difficulty of securing and keeping competent help due to isolation of the establishment"
Milling	Denied	Company failed to establish its inability to engage additional men to meet emergency
Clay products	Denied	Company failed to establish inability to secure additional skilled help; also, exemption not necessary for preservation of property
Canning	Granted	Merely transfer of existing exemption to purchasing company

<i>Industry</i>	<i>Result</i>	<i>Reason</i>
Coal tar dyes	Granted	Great demand for product due to stoppage of importations by war; \$1 offered for pound of product, usual price 25 cents; if not supplied, many textile mills would be forced to shut down, causing unemployment
Canning	Granted	Preservation of property
Lumbering	No action	Outside of Board's jurisdiction
Canning	Granted by Commissioner of La- bor, action approved by Board	Preservation of property
Canning		
Canning		
Candy	Denied	Not warranted by conditions as set forth in application
Not stated	No action	No reply to Board's statement of policy
Ice	Denied	Not stated

From this table it will be seen that of the forty-four applications for exemption fifteen were granted, while twelve were denied and seventeen were tabled, referred to special committees or to the commissioner of labor for adjustment, or otherwise disposed of. In one case, however, it should be noted that the exemption granted was a blanket exemption covering eighty-three cannery plants operated by fifty-four firms, all members of one association. The most common ground for granting exemptions was preservation of property (eight cases), while the following grounds were given in one case each: preservation of health, emergency due to fire in the plant; situation not anticipated in statute; promise of employer to reduce weekly hours; difficulty of securing and keeping competent men; danger of widespread unemployment if company was not able to supply product; in one case no reason was stated. On the other hand, exemptions were denied on the following grounds: statute does not contemplate continuous exemption (three cases); company failed to establish inability to engage additional men to meet the emergency (two cases); board has no power to permit firemen to work six hours on Sunday instead of three, can keep open on Sunday by giving employees other days off, and exemption not warranted

by conditions as set forth in the application (one case each); reason not stated (four cases).

The third class of questions which has arisen in the administration of the weekly rest day law in New York originated in an amendment enacted in 1914, effective April 16 of that year, providing that the act shall not apply to

Employees, if the commissioner of labor in his discretion approves, engaged in the work of any industrial or manufacturing process necessarily continuous, in which no employee is permitted to work more than eight hours in any calendar day.

Under this amendment a number of exemptions have been granted and a number denied, but as the department records, unlike the minutes of the industrial board, are not public records, no detailed information is available, at least until the appearance of the commissioner's annual report, which is expected in January, 1915.

A second amendment which went into effect at the same time excludes from the benefits of the law employees in dairies, creameries, milk condensaries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice cream manufacturing plants and milk bottling plants employing not more than seven persons. The exclusion of these workers eliminates one of the most troublesome problems the department has had to face in enforcing the statute.

To aid in administering the law a convenient 24-page pamphlet has been issued by the commissioner of labor containing a statement of the law as amended, the attorney general's interpretations thereof, the rulings of the labor department, and the policy of the industrial board in deciding questions of exemption. The pamphlet is to be had by application to the commissioner.

The question of constitutionality has been raised in a number of cases. In the first prosecution the plea was withdrawn when the fact was brought out that the employer was working his employees long hours a day as well as seven days a week.

In the second case involving the constitutionality of the law the employer, an ice dealer of Westchester county, allowed himself to be arrested for a violation and brought suit against the sheriff who arrested him, on the ground that the statute was invalid. Judge Tompkins of the state supreme court in Westchester county upheld

the statute both as a health regulation and as for the general welfare of the public.

In the third case an upstate power company was convicted and fined for not allowing an electrical converter attendant a full period of twenty-four consecutive hours' rest in seven consecutive days. On appeal Judge Fish of the Niagara county court affirmed the conviction, declaring, in part:

I think this act in question is a valid exercise of the police power of the state because it has a reasonable connection with public health, welfare and safety. From time immemorial it has been considered necessary for the welfare of the individual that he should have one day's rest in seven and laws securing this have been held constitutional. The state is interested in building up strong virile citizens to till its soil and develop its industries in times of peace and to defend it in times of war; and, by appropriate laws within reasonable bounds, can guard the health and welfare of the individual from the cradle to the grave.

A fourth case came before the appellate division of the state supreme court at Rochester, on the appeal of a packing company convicted of having employed four men in violation of the law. Conviction was affirmed as to three of the employees, but reversed as to the fourth, who, the court held, was "clearly a foreman in charge of the work" and therefore within an exception provided by the statute. In upholding the three convictions the court held that the law is within the police power of the legislature, and, therefore, constitutional. Its enactment clearly rests upon grounds of public policy. It has always been within the legislative prerogative to enact statutes for the moral and physical well-being of our citizens, and we think the legislature did not exceed its authority in prescribing the intermission of rest provided by the statute for the health and physical welfare of such of our citizens as come within its provisions.

A great deal of assistance in enforcing the law has been given by employees who were previously deprived of a weekly day of rest. Indicative of much of the experience under the act is the following letter:

BREWERS' UNION, NEW YORK CITY:—"Since the bill is enacted in the state of New York eighty-five of our members have the benefit of it. Formerly the same members had to work seven days a week and the best we had was one day off in a month. Furthermore, we maintained the same wages for six days as we formerly had for seven."

On the other hand, the largest amount of opposition to the law is said to have come not from employers but from employees who were accustomed to working seven days a week and who complained of the loss of a day's pay when the week was shortened.

It has been suggested that certain classes of employees who are now excluded from the benefits of the law, such as janitors, and waiters and waitresses in restaurants and lunch rooms, should be included.

By a new definition of the word "factory" adopted in 1914, "generating plants . . . owned or operated by a public service corporation" were taken out of the factory category and hence the law no longer applies to them. It is strongly felt that this exclusion should be removed.

While there have been objections to the law from both employers and employees, the tendency is for both sides to endorse the law after having given it a fair trial. There is no doubt but such a restriction upon seven-day labor is salutary and necessary. No case of hardship seems yet to have arisen of sufficient seriousness to point to the need of any further elasticity in the law. The commissioner of labor and the industrial board are using their present discretionary powers well and seem fully able to handle the situation.

MASSACHUSETTS

Like the New York law, the Massachusetts statute requiring one day of rest in seven was enacted in 1913 and went into effect on October 1 of the same year.

The two statutes are similar, except that the Massachusetts act makes an additional exemption of employees whose duties on Sunday are limited to caring for machinery, to the preparation, printing, publication, sale or delivery of newspapers, or to any labor called for by an emergency that could not reasonably have been anticipated, but no exception is made for superintendents or foremen in charge, as in New York. Hotels, restaurants, drug stores, livery stables or garages, and establishments for the manufacture or distribution of gas, electricity, milk or water, are also exempt. The provision found in the New York law empowering the industrial board to grant exemptions for specified times when the preservation of life, health or property requires, is omitted from the Massachusetts statute.

The following have been the main problems confronting the Massachusetts Board of Labor and Industries in enforcing the law:

1. The law applies only to "manufacturing or mercantile" establishments. Under the Massachusetts labor law a manufacturing establishment is a place where work is done on articles "for sale." This definition excludes from the benefits of the one-day-of-rest law employees in such establishments as laundries and printshops, where the work is done on articles belonging to the patron, or where what the patron pays for is not work but service.

2. The law applies to persons employed "in" the establishments designated. Trouble was encountered on this point, a number of ice cream dealers declaring that their drivers did not work "in" the factories and were therefore exempt. The board ruled that if an employee entered within the walls of the building he came within the law, whereupon the ice cream manufacturers arranged to have interior workers convey the goods outside the plant so that the drivers did not have to enter in. A recent Massachusetts court decision in a child labor case, however, decides that "establishment" means not only the building but all premises, which would again include the drivers as workers "in" the establishments. It is possible that in view of this decision the board may rescind its earlier ruling and adopt a more stringent one. To avoid similar difficulties in future and in other states, it is strongly recommended that the words "or about or in connection with" be inserted between the words "in" and "such manufacturing or mercantile establishment" in the first paragraph of the law.

3. The law requires twenty-four consecutive hours' rest in "every seven consecutive days." This provision strictly adhered to was found to make trouble in small establishments, such as stores, where the employees were given Sundays off in regular turn. For instance, in a store with two employees, the employees would have alternate Sundays off. But having had a Sunday off, an employee who had to work the following Sunday would have eight days' work in succession—a long week which was compensated for by his having only five days' work the following week. Such an employee could not be given the strict terms of the law without receiving an extra day's rest some time in his long week, which would amount to giving him two days off for one Sunday's work. To obviate this difficulty the board informally ruled that "seven consecutive days" meant a "working week," and an employer who arranged his men's time as just described was held to be complying.

4. The law exempts employees whose Sunday duties are limited to "caring for machinery." Question has been raised as to whether this provision exempted men doing repair work on machinery and men installing new machinery. The board answered the first of these questions in the affirmative and the second in the negative.

5. The law exempts "employees engaged in the preparation, printing, publication, sale or delivery of newspapers," and a large number of news and magazine stand owners, stationers, and the like, have claimed exemption under this clause. The law, however, does not exempt all employees who do the work listed, but only those "whose duties include no work on Sunday other than" such work. Consequently the claims were in most cases declared by the board unfounded.

6. Trouble has been met in interpreting the clause which exempts "any labor called for by an emergency that could not reasonably have been anticipated." A number of employers, among them a large car manufacturer, held that rush work was exempt under this clause, but the board ruled adversely on the claim. There is a feeling that this exemption should be made more specific.

7. The law requires the keeping of a time book by employers affected. In large plants this was already done, but in small establishments complaint was made of the extra bookkeeping. The board finally ruled that a card index, preserved for one year from the date of entry, would be accepted.

8. "Establishments used for the manufacture or distribution of milk or water" are exempt. A number of ice cream dealers claimed to be exempt on the ground that ice cream was merely "milk or water" in its congealed state. The board decided against them.¹

9. All employees in "drug stores" are exempt. While there may be reason to exempt prescription clerks, it is strongly felt that clerks who merely sell patent medicines, toilet preparations, candy, soda water and other commodities should receive the benefit of the law.

10. "Livery stables or garages" are exempt. One keeper of a boat and canoe renting house unsuccessfully claimed exemption as operating a "garage."

¹This is a curious employers' counterpart of the claim advanced by the Socialist party Mayor Lunn of Schenectady in 1912 that his municipal ice house was legal in as much as the city charter provided for the distribution of water.

11. Since the one day rest law in Massachusetts was enacted as chapter 619 of the laws of 1913, and a new child labor law was chapter 831, the latter act supersedes the former in any point where their provisions are inconsistent. Section 9 of the child labor law prohibits the employment of boys under eighteen and of girls under twenty-one in manufacturing, mechanical or mercantile establishments for more than six days a week. This strengthens the one day rest law, since it removes, with regard to children under the ages named, the exemptions granted to certain establishments and occupations in the one day rest law. Difficulty has however been met in bringing this fact home to a number of employers, who insisted on the validity of their exemptions.

In spite of all the difficulties mentioned, during the first nine months of the law, from October 1, 1913, to July 1, 1914, no prosecutions were necessary, specific orders by the board having proved sufficient to secure compliance in all cases entered upon. Up to July 1, 1914, 306 such orders has been issued, divided as follows:

<i>Uniform order No.</i>	<i>Purport</i>	<i>Number Issued</i>
42	Give day off	88
43	Post and file schedule	103
44	File schedule	44
45	File copy of changes in schedule	28
46	Do not allow employee to work on day of rest designated for him	6
47	Keep time book	37
<i>Total</i>		<u>306</u>

This does not mean, however, that orders were served on 306 different establishments, as frequently two or more orders are served together, and sometimes when an employer is found violating the law through ignorance of its existence all six orders are served on him together.

By July 1, 1914, a total of 256 establishments had filed schedules. These included steel wire plants, clothing firms, ice manufacturers, bakeries, lime works, rubber, paper, leather and car factories, creameries, a large variety of small retail establishments such as news stands, confectioneries, ice cream and tobacco shops, and certain amusement parks.

In company with a member of the board's inspection staff, the investigator visited a number of Boston establishments in relation to the law, with the following results:

Florist.—Had not heard of law. Would comply.

Florist.—Had not heard of law. Would comply.

Ice cream and candy store.—Had not heard of law. Would comply.

Brewery.—Had not heard of law. Had two or three men working on Sunday. Would comply.

Brewery.—Had not heard of law. Had only one or two men working Sunday. Would comply. Superintendent said brewery workers' union insisted on night men's having option on Sunday work.

Distillery.—Representative place, regularly visited by classes from Massachusetts Institute of Technology, University of Maine, and other colleges. No continuous process requiring men's presence. Did not know of law but asked for information and was anxious to comply if affected.

Ammonia company.—No continuous process.

Gasolene company.—No continuous process requiring men except slight oversight by firemen.

Sugar refining company.—Complying with law. About 1,000 men in plant, 300 or 400 in processes affected by the law. Ordinary Sunday schedule for thirty to forty men, occasionally in case of emergency sixty to sixty-two men. Superintendent complained of some hardship due to fact that night shift counted as work on two days, thus making it difficult to give a night man his one day free in seven. Thought that a change to "in eight consecutive days" would improve the law from his standpoint, but realized that such a change would be taken unfair advantage of by some employers. The plant is run in three shifts of nine hours each, the overlapping hour being used for cleaning up and other incidentals.

In Worcester establishments were visited as follows:

Pants company.—Closed Saturday for religious reasons, but operated on Sunday. Was complying with law in all particulars including filing and posting of schedule of Sunday workers.

Ladies' cloak company.—Closed Saturday for religious reasons, but operated on Sunday. Had not heard of law, and was not filing or posting schedule. Would comply.

Garment shop.—Same as preceding.

Brewery.—No men working Sunday except superintendent for a couple of hours.

Steel wire company.—No necessarily continuous process, but filed schedule for about 75-150 men out of 7,000 employed in plant. Said company had established a weekly one-day rest years before the law was enacted, as no man could be in his best health or do his best work without it.

Car works.—Were complying with law, after having had notice served by the board. About six men regularly scheduled, sometimes thirty to fifty at most. Did not believe in seven-day work as a general thing, but thought if only occasional it would not hurt the men, who were glad of the extra pay. Board would not consider rush work as "emergency," and at such times they needed their old, experienced hands, not new temporary men.

On the whole, the law seemed to be working well wherever it had been called to the attention of employers, most of whom, especially in small retail stores, were not acquainted with it. Obviously violations cannot be definitely discovered without Sunday inspections; these were not the rule in the board until the summer of 1914, but are now being made.

Subsequent to July 1, 1914, when the foregoing data were collected, at least two prosecutions were entered. In both these cases the defendants, large corporations, raised the issue of constitutionality, but when the board insisted on the test each of the corporations pleaded guilty.

ONE DAY OF REST IN SEVEN

One of the striking features of the twentieth century is the growing number of industries that are kept in continuous operation and the growing number of wage-earners who are regularly employed every day of the week in such industries.

EXTENT OF SEVEN-DAY LABOR

"More than 15 per cent of the employees in the industry as a whole and more than 50 per cent of the blast-furnace workmen" were "on a regular schedule of seven days a week, with a long turn of eighteen or twenty-four hours at the change of shift," stated the United States Bureau of Labor Statistics, in its report on the iron and steel industry in August, 1912. This means that nearly 26,000 men, in this one industry alone, were condemned to toil week in, week out, without respite.

Steel is not the only industry upon which lies the blot of seven-day labor. Steam and street railroads, hotels and restaurants, telegraphs and telephones, newspaper publishing and distributing, certain classes of retail storekeeping, and many other callings, at present require continuous labor from hundreds of thousands engaged in them. In sixteen groups of occupations employing about 180,000 trade-union members in the State of New York one man in every five was reported to the State Department of Labor in 1910 as working regularly seven days a week. In the same year the Bureau of Labor in Minnesota reported 98,558 men working seven days each week. In Massachusetts a joint legislative committee in 1907 estimated that 221,985 persons, or over 7 per cent. of the population, were engaged in seven-day labor.

SEVEN-DAY LABOR INHUMAN AND WASTEFUL

Regular employment for eight hours or more a day on all seven days of the week tends to undermine the health, dwarf the minds, and debase the morals of those engaged in it. It deprives them of

the opportunity for reasonable rest, relaxation and enjoyment with family and friends, which is craved by every normal person.

Many of us have no experience with seven-day labor. We hear about it, yet fail to sense it. The real significance of working day after day, month after month, year in and year out, remains beyond our complete comprehension.

Both experience and science demonstrate more clearly each year that those who enjoy genuine weekly rest days will have better health, clearer intellects, and hence can do more and better work each year, and hence retain for more years their ability to do efficient work than those who work seven days each week.

"If an applicant came to us for insurance, and we knew he was working seven days a week, we would refuse the risk, unless such excessive work was only temporary"—is the declaration of John M. Pattison, President of the Union Central Life Insurance Company. A statement more significant of the dangers of seven-day labor could hardly be found.

SUNDAY LAWS INADEQUATE

The Sunday laws, enacted in the first instance to protect the Sabbath from desecration, have not only in the turmoil and rush of modern conditions failed to do that, but have also signally failed to protect men from the debasing effects of continuous seven-day toil. "Sunday laws do not and can not deal adequately with the situation," says John Fitch. "Stop all trains, all street cars, all heating and lighting plants, all delivery of milk, and all garbage removal, on Sundays, and the great cities will suffer as under a pestilence. Stop the blast furnaces, smelters, and other industries which for technical reasons require continuous operation, and those industries will be paralyzed."

NEW TYPE OF LAW NEEDED

We must and can have continuous industry, but we cannot have and we must not try to have continuous men and women.

To the argument that relief would be hard on certain industries, the sufficient answer is that seven-day labor is too hard on men and women.

A new type of law is needed, based on a new principle—a law that will forbid an employer to work his men seven days a week, and

yet permit an industry necessarily or desirably continuous to operate seven days a week.

In Austria, Belgium, Canada, Chile, France, Germany, Italy, Switzerland and other foreign countries, this principle has been enacted into legislation. Early attempts in this direction in the United States, because not scientifically made, have proved abortive.

A standard One Day Rest in Seven bill has been prepared by a special committee of the American Association for Labor Legislation for introduction in all states [see following page], and has already been enacted in Massachusetts and in New York. In both states it has brought relief to thousands of seven-day workers. Other states where the inhuman system of seven-day labor exists should be brought up to the standard set by these two states.

The bill is purposely limited in scope to those industries where for the time being there is the greatest hope of effective enforcement of the law. Work for this bill in your own state, through the press, pulpit and public forum. Write to your representatives and talk to them.

IN A NUTSHELL

1. Seven-day labor is bad for the worker, and it is a suicidal policy for the state.
2. Most seven-day labor is unnecessary.
3. Other countries have legislated against it.
4. Sunday laws do not and cannot deal adequately with the problem.
5. One day of rest in seven is the only effective method of preventing seven-day labor.
6. It is admitted by employers to be "reasonable and fair."
7. Therefore, a law requiring one day of rest in seven, no matter how continuous the industry, is the real remedy.

STANDARD BILL FOR ONE DAY OF REST IN SEVEN

AN ACT to promote the public health by providing for one day of rest in seven for employees in certain employments.

Be it enacted, etc., as follows:

SECTION 1. *Scope of the Act.*

Every employer of labor, whether a person, partnership or corporation, engaged in carrying on any factory or mercantile establishment in this State, shall allow every person, except those specified in Section 2, employed in such factory or mercantile establishment, at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such factory or mercantile establishment on Sunday, unless he shall have complied with Section 3. Provided, however, that this act shall not authorize any work on Sunday not now authorized by law.

SECTION 2. *Exceptions.*

This act shall not apply to

- (1) Janitors
- (2) Watchmen
- (3) Employees whose duties include no work on Sunday other than
 - a. Setting sponges in bakeries
 - b. Caring for live animals
 - c. Maintaining fires.

SECTION 3. *Schedule for Sunday Workers.*

Before operating on Sunday, every employer shall post in a conspicuous place on the premises a schedule containing a list of his employees who are required or allowed to work on Sunday and designating the day of rest for each, and shall file a copy of such schedule with the (Commissioner of Labor). The employer shall promptly file with the said (Commissioner) a copy of every change in such schedule. No employee shall be required or allowed to work on the day of rest so designated for him.

SECTION 4. *Time Book.*

Every employer shall keep a time book showing the names and addresses of all employees and the hours worked by each of them in each day, and such time book shall be open to inspection by the (Commissioner of Labor).

SECTION 5. *Penalty.*

Every employer who violates the provisions of this act, or any of them, shall be liable to the State for a penalty of ——— dollars for each offense, recoverable by civil action by the (Commissioner of Labor).

SECTION 6. *Time of Taking Effect.*

This act shall take effect on the first day of ———, 19—.

VIII
WOMAN'S WORK

Committee on Woman's Work

IRENE OSGOOD ANDREWS, Chairman

Assistant Secretary, American Association for Labor Legislation
Departmental Editor, *Life and Labor*
Author, *Women Workers in Milwaukee Tanneries; Minimum Wage Legislation.*

M. EDITH CAMPBELL

Director, Schmidlapp Bureau for Securing Employment for Women and Girls.
Member, Cincinnati Board of Education

MARY E. DRIER

Member, New York State Factory Investigating Commission
Member, Woman's Trade Union League, New York

ERNST FREUND

Professor, Jurisprudence and Public Law, University of Chicago
Commissioner of Uniform State Laws for Illinois
Author, *The Police Power, etc.*

JOSEPHINE GOLDMARK

Publication Secretary, National Consumers' League
Author, *Fatigue and Efficiency, etc.*

SUSAN M. KINGSBURY

Professor, Economics, Simmons College, Boston
Director, Department of Social Research, Women's Educational and Industrial Union, Boston
Editor, *Labor Laws and Their Enforcement, etc.*

ANNE MORGAN

New York City

MARIE L. OBENAUER

Expert, United States Bureau of Labor Statistics

MARY VAN KLEECK

Director, Department of Woman's Work, Russell Sage Foundation
Author, *Artificial Flower-Makers, Women in the Book-Binding Trade, etc.*

WOMAN'S WORK

At the conference of the International Association for Labor Legislation, held at Berne, Switzerland in September, 1906, one of the half-dozen subjects recommended to the national sections for investigation and report was the employment of women. The Association in America has followed the lead of its parent organization, and, from its inception, has given attention to the problems of women in industry and to the special legislation in their behalf, a task particularly important in the United States where many forms of legislative protection are constitutional when applied to women but not when applied to men workers.

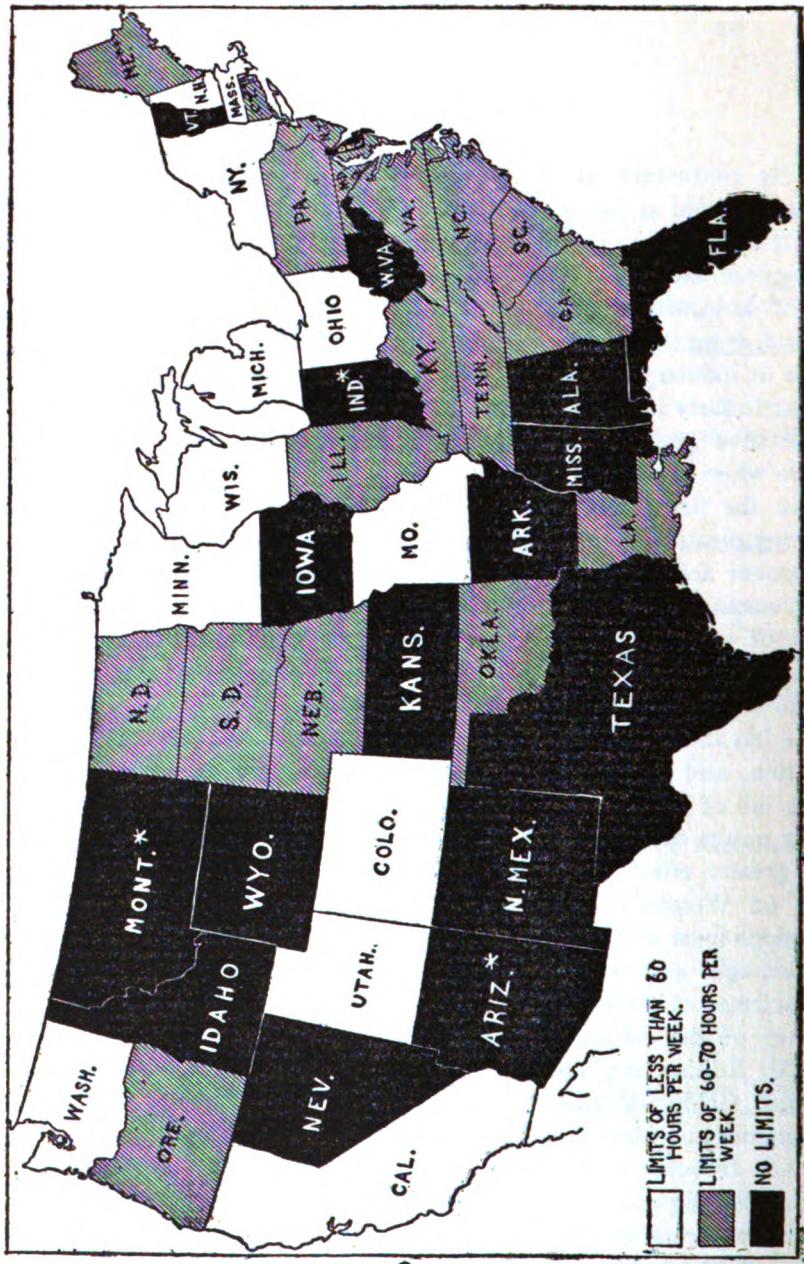
From the first, care was taken not to duplicate the work of other organizations, but to cooperate with them to the fullest possible extent and to add the weight of the Association's influence to movements started by other interests for the better legal protection of working women. An example of the development of such cooperation is found in the position of the Association on laws limiting the working hours of women. The Consumers' League has drafted a bill on the subject and is active in work for legislation, and the Association, therefore, has not attempted to draft a bill of its own or to initiate this sort of legislation. As a further means of avoiding duplication in the work and of bringing about greater effectiveness and economy of effort, a special committee on Woman's Work, chosen to represent the various organizations most actively interested in the problem, has, since 1909, had oversight of the work of the Association along these lines. The chairman of the committee is Irene Osgood Andrews, assistant secretary of the Association, and it includes the following members: M. Edith Campbell, Mary Dreier, Professor Ernst Freund, Josephine Goldmark, Susan M. Kingsbury, Anne Morgan, Marie L. Obenauer and Mary Van Kleeck. The chairman, Mrs. Andrews, has made frequent addresses on different phases of the subject.

In no direction are the services of the Association's Bureau of Information more in demand than in answering questions having to do with the industrial employment of women and the closely related topic of the minimum wage. On these matters an extensive correspondence is carried on with many inquirers.

PROVISIONS IN 1912

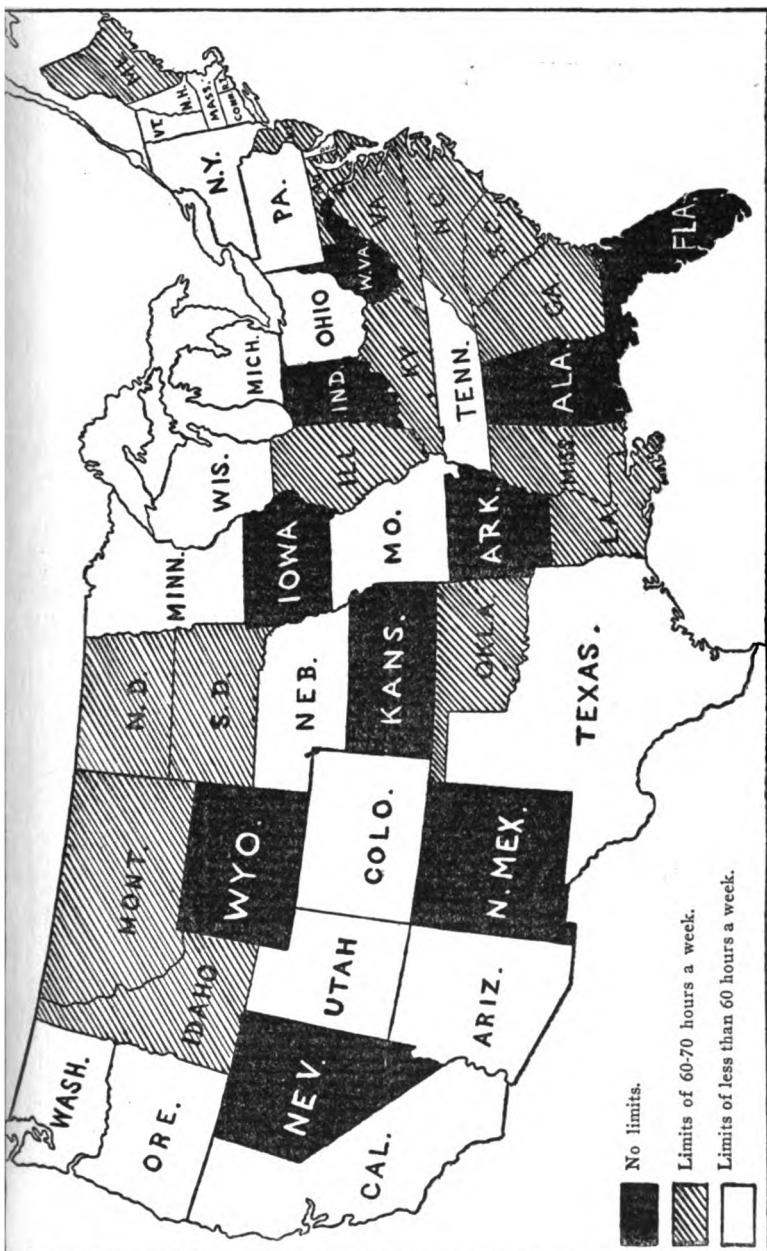
PROVISIONS IN 1912

"Indians prohibited night work in manufacturing. Arizona limited hours to 8 a day in laundries. Montana to 9 a day on telephones in Concessions and Mines of 2,000 or more. Colorado and Maine permitted 60 hours a week for more than half the year. It is still the case in 1912 that in some states there is no adequate enforcing authority, and that in others, as in North Carolina, North and South Dakota and Oklahoma, the laws are not enforced as to mine conferences.



LEGAL LIMITATION OF WORKING HOURS

1912-



PROVISIONS IN 1914

Indiana prohibits night work in manufacturing.

Maine permits 60 hours a week for women over 18 for 30 weeks a year.

New York allows women over 18 to work in canneries 60 hours a week by permission of the industrial board.

Between June 25 and August 5 they may work 66 hours a week by permission of the industrial board.

But the industrial welfare commission has power to fix shorter hours and has established maximums of from 51 to 54 hours a week for practically all occupations.

Wisconsin has a maximum of 55 hours a week, established by statute, which holds unless the industrial commission makes other rulings.

The commission has for a limited time permitted a higher maximum for pea canneries.

FOR WOMEN IN THE UNITED STATES

-1914

As early as 1909, among the first of the Association's many tables on labor laws, there was issued a pamphlet prepared by Maud Swett, summarizing the laws then in force regulating women's hours of labor and requiring the provision of seats. Since that time the annual REVIEW OF LABOR LEGISLATION has contained each year a special section on the legislation affecting woman's work.

In December, 1912, the REVIEW was devoted to presenting facts for use in the legislative campaigns of the Association during the next year, and here again a separate part was given up to a complete analysis of the labor laws for women. In addition to the laws limiting hours and requiring the provision of seats, which had been first summarized in 1909, the topics of prohibited employments, provision for toilets and dressing rooms, childbirth protection and the minimum wage were included, the whole forming a comprehensive summary of all the labor laws then in force which applied to women alone.

THE MINIMUM WAGE

The Association has fostered the rapidly growing interest in minimum wage legislation. At the Sixth Annual Meeting in 1912 a joint session with the American Economic Association was devoted to this topic, a strong address in favor of the measure by President Henry R. Seager of the Association being followed by a spirited discussion in which all shades of opinion were represented. A table presenting the main provisions of the existing minimum wage laws in the United States was first published as part of the REVIEW OF LABOR LEGISLATION for 1913. So widespread was the demand for this tabulation that it was later reprinted separately and thousands of copies were distributed. A report on *Minimum Wage Legislation* was compiled in 1913 for the third report of the New York State Factory Investigating Commission by Irene Osgood Andrews. This report brought together and analyzed all existing minimum wage legislation and the methods of operation under the laws. For the fourth report of this same commission, in 1914, Mrs. Andrews prepared a report on *The Relation of Irregular Employment to the Living Wage for Women*, which united for the first time a consideration of the two important problems, unemployment and the minimum wage, and showed the

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necessity for making an allowance in fixing minimum wage rates for losses from irregular employment.

With the conviction that permanent industrial progress cannot be built upon the physical exhaustion of women, the Association has aided in the work of establishing laws limiting women's hours of work. In September, 1909, an attack was made on the constitutionality of the Illinois ten-hour law which had just gone into effect. Realizing that the setting aside of the law in this important industrial state would prove a serious obstacle to the progress of social legislation in this country, the Association helped in arousing public attention to the importance of the crisis. It sent a special circular letter on the subject to a selected list of people, distributed thousands of copies of pamphlets bearing on the subject and secured the services of the prominent attorney William James Calhoun, later minister to China, to speak in oral defense of the law, which was upheld in April, 1910, by the state supreme court.

The Committee on Woman's Work was asked in February, 1912, to support and to recommend changes in a proposed ten-hour bill in New Jersey. It did so, and the bill which passed in that year included the committee's recommendation that employers be required to keep a record of the working hours of each woman employee. The committee during the winter of 1912-13 likewise recommended changes in the proposed eight-hour law for the District of Columbia, which was finally passed by Congress in 1914.

In 1914 the constitutionality of the New York law prohibiting the night work of women was attacked in the courts. The Association secured wide newspaper publicity for an article explaining the need of this law as a health measure and showing that while only five states of the union granted this protection to their women workers, in Europe fourteen of the leading nations had done so by an international treaty, the result of a conference called by the International Association for Labor Legislation in 1906.

INVESTIGATION

Besides this work in support of existing or proposed laws, certain investigations to ascertain the need for further protection of the health of women workers were carried on under the auspices of the Committee on Woman's Work in 1913. A preliminary investigation of the work of women in the manufacture of incan-

descent lamps was made by Dr. Fanny Dembo and a preliminary investigation into the industrial employment of women before and after childbirth was carried on by Miss Helen Schmidt and Dr. Dembo. Cooperation was secured from the New York Board of Health and from the New York Milk Committee. This investigation was continued during the fall of 1914 by Miss Fany Mislig.

The results of the last mentioned investigation, disclosing, as it did, instances of the employment of women directly before and after childbirth because they could not afford to lose their wages, form one reason for the Association's advocacy of maternity benefits as an essential part of any plan for public sickness insurance. By the end of 1914 four states had adopted the important protective measure which forbids the industrial employment of women during the weeks just before and just after childbirth, but none of them have yet made any attempt to provide any benefit funds to make up for the resulting loss of income. As a further guide for future American action the Association made a summary of the foreign provisions for maternity insurance.

PUBLICATIONS

January 1910—Legislative Review No. 4, *Women's Work, Summary of Laws in Force, 1909* (16 p.).

August 1910—Review of Labor Legislation of 1910, containing *Woman's Work* (1 p.).

January 1911—Proceedings of Fourth Annual Meeting, containing *Woman's Working Hours* (3 p.).

October 1911—Review of Labor Legislation of 1911, containing *Woman's Work* (4 p.).

October 1912—Review of Labor Legislation of 1912, containing *Woman's Work* (6 p.).

December 1912—*Protection for Working Women* (23 p.).

February 1913—Proceedings of Sixth Annual Meeting containing *The Minimum Wage* (35 p.).

June 1913—Proceedings of First National Conference on Social Insurance containing *Pensions for Mothers* (11 p.).

October 1913—Review of Labor Legislation for 1913, containing *Woman's Work: A. The Minimum Wage; B. Hours and Working Conditions* (14 p.).

November 1913—Table of Main Provisions of Minimum Wage Laws in the United States (1 p.).

December 1913—Administration of Labor Laws, containing *Directory of Minimum Wage Commissions* (1 p.).

October 1914—Review of Labor Legislation for 1914, containing *Woman's Work* (3 p.).

IX

CHILD LABOR

CHILD LABOR

In his report of work for 1909 the secretary stated that the policy of the Association with reference to aspects of labor legislation already largely cared for by other organizations was one of "respectful and glad submission." Especially on the subject of child labor the Association has felt particularly free from responsibility, on account of the extensive work carried on by the older and well-equipped National Child Labor Committee. One of the subjects, however, which the International Association asked the different national sections to study and report upon was the employment of children, and the Association therefore published in 1910 a summary, compiled by Miss Laura Scott, of the child labor laws then in force throughout the United States, including the compulsory education laws. In order to make them complete, the yearly reviews of labor legislation always contain a summary of the new legislation on child labor.

PUBLICATIONS

January 1910—Legislative Review No. 5. Child Labor, Summary of Laws in Force 1910 (139 p.).

August 1910—Review of Labor Legislation of 1910, containing Child Labor (3 p.).

October 1911—Review of Labor Legislation of 1911, containing Child Labor (17 p.).

October 1912—Review of Labor Legislation of 1912, containing Child Labor (8 p.).

October 1913—Review of Labor Legislation of 1913, containing Child Labor (14 p.).

October 1914—Review of Labor Legislation of 1914, containing Child Labor (11 p.).

X

INDUSTRIAL EDUCATION

INDUSTRIAL EDUCATION

An excellent example of the Association's policy of cooperation and division of the field with related organizations is found in its work on industrial education. In May, 1909, the suggestion was made by prominent members of the Association that it should keep in touch with the movement for industrial education and study the American legislation on the subject. Accordingly, early in 1910, the Association published a summary, made by Edward C. Elliott of the University of Wisconsin, of the legal provisions for industrial education which had been made at that time. Owing to general interest in the pamphlet the edition was quickly exhausted and a second printing was planned. At this point it was discovered that the National Society for the Promotion of Industrial Education had in view a bulletin covering the same general ground. To avoid duplication the two societies therefore brought out cooperatively an enlarged second edition of the publication, including in addition an analysis and comparison of the different laws. Thereafter the Association for the Promotion of Industrial Education took over the work and, on this account, the Association for Labor Legislation retired from the field.

PUBLICATIONS

January 1910—Legislative Review No. 2. Industrial Education (15 p.).
November 1910—Legislation upon Industrial Education in the United States. (An enlarged second edition of the above, issued as Bulletin No. 12 of the National Society for the Promotion of Industrial Education. 76 p.).

PUBLICATIONS

American Association for Labor Legislation

No. 1: Proceedings of the First Annual Meeting, 1907.

No. 2: Proceedings of the Second Annual Meeting, 1908.*

No. 3: Report of the General Administrative Council, 1909.*

No. 4: (Legislative Review No. 1) Review of Labor Legislation of 1909.

No. 5: (Legislative Review No. 2) Industrial Education, 1909.

No. 6: (Legislative Review No. 3) Administration of Labor Laws, 1909.*

No. 7: (Legislative Review No. 4) Woman's Work, 1909.*

No. 8: (Legislative Review No. 5) Child Labor, 1910.

No. 9: Proceedings of the Third Annual Meeting, 1909.*

No. 10: Proceedings of the First National Conference on Industrial Diseases, 1910.*

No. 11: (Legislative Review No. 6) Review of Labor Legislation of 1910.

No. 12: (American Labor Legislation Review, Vol. I, No. 1.) Proceedings of the Fourth Annual Meeting, 1910.

No. 13: (American Labor Legislation Review, Vol. I, No. 2.) Comfort, Health and Safety in Factories.

No. 14: (American Labor Legislation Review, Vol. I, No. 3.) Review of Labor Legislation of 1911.

No. 15: (American Labor Legislation Review, Vol. I, No. 4) Prevention and Reporting of Industrial Injuries.

No. 16: (American Labor Legislation Review, Vol. II, No. 1.) Proceedings of the Fifth Annual Meeting, 1911.*

No. 17: (American Labor Legislation Review Vol. II, No. 2.) Proceedings of the Second National Conference on Industrial Diseases, 1912.

No. 18: (American Labor Legislation Review, Vol. II, No. 3.) Review of Labor Legislation of 1912.

No. 19: (American Labor Legislation Review, Vol. II, No. 4.) Immediate Legislative Program.
One Day of Rest in Seven, Prevention of Lead Poisoning, Reporting of Accidents and Diseases, Workmen's Compensation, Investigation of Industrial Hygiene, Protection for Working Women, Enforcement of Labor Laws.

No. 20: (American Labor Legislation Review, Vol. III, No. 1.) Proceedings of the Sixth Annual Meeting, 1912.

The Minimum Wage:
The Theory of the Minimum Wage, Henry R. Seager.

Factory Inspection and Labor Law Enforcement:
How the Wisconsin Industrial Commission Works, John R. Commons.
A Laborer's View of Factory Inspection, Henry Sterling.
An Employer's View of Factory Inspection, Charles Sumner Bird.
The Efficiency of Present Factory Inspection Machinery in the United States, Edward F. Brown.

* Publication out of print.

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